UNITED
NATIONS

CCPR

International covenant
on civil and
political rights

Distr.
GENERAL

CCPR/C/46/Add.5
9 August 1993

Original: ENGLISH

HUMAN RIGHTS COMMITTEE

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT

Second periodic reports of States parties due in 1987

Addendum

ICELAND*

[2 June 1993]

* For the initial report submitted by the Government of Iceland, see CCPR/C/10/Add.4; for its consideration by the Committee, see CCPR/C/SR.391, SR.392 and SR.395 and the Official Records of the General Assembly, thirty-eighth session, Supplement No. 40 (A/38/40), paras. 99-134.

GE.93-18017 (E)

CONTENTS

	Paragraphs	Page
INFORMATION RELATING TO INDIVIDUAL PROVISIONS OF PARTS I, II AND III OF THE COVENANT		3
ARTICLE 1	1 - 7	3
ARTICLE 2	8 - 32	4
ARTICLE 3	33 - 62	7
ARTICLE 4	63 - 64	12
ARTICLE 5	65 - 66	12
ARTICLE 6	67 - 79	12
ARTICLE 7	80 - 100	14
ARTICLE 8	101 - 116	17
ARTICLE 9	117 - 147	19
ARTICLE 10	148 - 171	25
ARTICLE 11	172 - 174	29
ARTICLE 12	175 - 199	29
ARTICLE 13	200 - 207	33
ARTICLE 14	208 - 271	35
ARTICLE 15	272 - 273	47
ARTICLE 16	274 - 279	47
ARTICLE 17	280 - 298	48
ARTICLE 18	299 - 309	51
ARTICLE 19	310 - 325	53
ARTICLE 20	326 - 329	57
ARTICLE 21	330 - 335	57
ARTICLE 22	336 - 356	58
ARTICLE 23	357 - 380	61
ARTICLE 24	381 - 404	66
ARTICLE 25	405 - 427	70
ARTICLE 26	428 - 432	74
ARTICLE 27	433 - 438	75
RESERVATIONS	439 - 443	76
LAWS AND REGULATIONS REFERRED TO IN THE REPORT		77

INFORMATION RELATING TO INDIVIDUAL PROVISIONS OF PARTS I, II AND III OF THE COVENANT*

Article 1

Paragraph 1

1. Icelanders are a single nation inhabiting a clearly defined area, all speaking the same language without any significant dialect differences and sharing the same cultural heritage.

2. In 1944 the nation voted to establish a republic and sever the ties with Denmark, and approved the Constitution almost unanimously. The nation's right of self-determination is secured by free and direct election of the President of the Republic, members of the Althing and local authorities at intervals of four years. All Icelandic citizens having reached the age of 18 years and legally domiciled in Iceland are entitled to vote. The election system is described in further detail in connection with article 25 of the Covenant.

Paragraph 2

3. Iceland has a mixed economy and supports the free market system. Iceland is a member of the European Free Trade Association (EFTA) and has ratified the Agreement on the European Economic Area (EEA), which is scheduled to enter into force in 1993.

4. Some natural resources, such as the marine resources within the exclusive economic zone of Iceland, have been declared the property of the Icelandic nation (arts. 1 and 2 of the Law on Fisheries Management No. 38/1990). Foreign parties are not allowed to fish within the exclusive economic zone of Iceland except by special permission granted by the State, nor may they operate a fish processing business or own, directly or indirectly, a part in an Icelandic fishing industry business (art. 4 (1) and (2) of Law No. 34/1991 on Foreign Investment in Industry).

5. Only Icelandic parties may possess the right to harness hydroelectric or geothermal power in excess of private domestic needs (art. 4 (3) of the Law on Foreign Investments). Foreigners until now have not been allowed to own real property in Iceland except with the permission of the Ministry of Justice, but this will have to be changed (Law No. 19/1966). This must be done before the EEA Agreement enters into force, in order to prevent discrimination against nationals of other EEA member States on the basis of nationality.

Paragraph 3

6. Iceland possesses no colonies. Iceland is not responsible for the government of any non-self-governing or trust territories.

---

* For the core document submitted by the Government of Iceland in accordance with the consolidated guidelines for the initial part of the reports of States parties, see document HRI/CORE/1/Add.26.

7. Iceland supported the independence of Namibia and sanctions against South Africa because of that country's policy of apartheid. Iceland supports the Israeli-Palestinian peace talks. Iceland has endorsed criticism of Israel for human rights violations committed in the territories occupied by that country.

Article 2

Paragraphs 1 and 2

8. There are no provisions in Icelandic law permitting discrimination or unreasonable or unjustifiable distinction with regard to civil or political rights on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Article 78 of the Constitution provides that privileges tied to nobility, titles and rank may never be enacted.

9. Generally, it is not stated in legislation that persons possess certain rights or duties without regard to factors such as those mentioned. Article 48, paragraph 3, of the Law on Basic Schools states, however, that the objectives of study and tuition and the procedures employed in primary schools shall be such as to prevent discrimination based on origin, sex, residence, social class, religion or physical disability.

10. Members of the Althing, however, enjoy added protection against arrest, custody on remand and criminal action during periods when the Althing is assembled, unless found in flagrante delicto. Particular provisions to the same effect are found in the Law on Criminal Procedure No. 19/1991. The Althing may waive this protection. This constitutional provision has its historical origins in the need to protect the Althing against interference on the part of the King. It has been used once: in 1989 the Althing waived the immunity of a member against lawsuit in a criminal case. The President of the Republic cannot be prosecuted on a criminal charge except with the consent of the Althing (art. 11, para. 2 of the Constitution). This provision has never been invoked. Only the Althing can impeach Ministers of the Government for acts done in the discharge of their official duties; in such cases a separate judicial body, the Landsdómur (Court of Impeachment), has jurisdiction under article 14 of the Constitution. The Court of Impeachment has never assembled.

11. In some cases women enjoy greater rights than men, and positive discrimination in favour of women is sometimes allowed, as described in further detail below in connection with article 3 of the Covenant.

12. According to the Convention on a Common Nordic Labour Market of 6 March 1982 nationals of the Nordic countries do not require a permit to work in Iceland.

13. The Agreement on the EEA contains provisions granting freedom of movement and right of establishment to the nationals of all the member States.

14. It is forbidden to engage foreigners for work on terms inferior to those provided for in domestic labour agreements (art. 3, para. 2 (2), of Law No. 26/1982 on Aliens' Right to Work).

15. As described in connection with article 1 of the Covenant, the right to foreign parties to own businesses in the fishing industry sector or to own power resources has been significantly limited in order to ensure continued Icelandic control of the nation's resources.

16. The principles governing deportation of foreigners and their right to travel are described in connection with articles 12 and 13 of the Covenant.

17. Visas for a stay in Iceland not exceeding three months and permits to stay and work in Iceland are granted to foreigners in accordance with the Law on Regulation of Alien No. 45/1965 and the Law on Aliens' Right to Work No. 26/1982, which apply to everyone without regard to race, sex or comparable factors. Exemptions from visa requirements or requirements for permits for stay and work apply to the nationals of certain countries. These are based on specific international agreements.

18. During the past few years marriages between Icelandic men and foreign women, including women from developing countries desiring to avoid poverty at home, have become increasingly frequent. There are instances of their having been subjected to mental cruelty or physical violence on the part of their husbands, and they have lacked information or been provided with incorrect information concerning their legal status in Iceland. They frequently know little or no Icelandic and tend to become isolated within their homes. The Ministry of Social Affairs has therefore published a booklet in some foreign languages in order to inform them of their legal status which, in so far as these matters are concerned, is the same as that of Icelandic women.

Paragraph 3

19. It can be seen from the judicial precedents of the Supreme Court of Iceland that if people are unlawfully or unreasonably discriminated against by administrative authorities, inter alia on the basis of distinctions such as those enumerated in paragraph 1 of article 2, their decisions or actions would be declared unlawful or even abuse of power. The unwritten principle of equality within the administrative field has been confirmed by the Supreme Court many times.

20. The Althing has in its legislation, for example in Law No. 13/1987 on the Ombudsman of the Althing, recognized the principle of equality, but not enacted it expressly. No comprehensive law on administrative procedure has been enacted, but individual procedural requirements are frequently found in special laws, where even detailed rules of procedure may be set forth. A draft law on administrative procedure was submitted to the Althing in 1992, but was not enacted.

21. The courts may invalidate unlawful decisions taken by administrative authorities, and compensation shall be made for loss caused by unlawful procedure. The principles of liability for damages not due to breach of contract generally apply to administrative authorities as to other parties. To this there are individual exceptions which are, however, outside the scope of the Covenant.

22. The International Covenant on Civil and Political Rights has seldom been referred to by the courts in Iceland. The European Convention on Human Rights can be said to have taken the Covenant's place as the substance of both instruments is in many ways similar.

23. If an administrative authority violates a law the State Treasury or, as the case may be, a municipal treasury may be liable for damages.

24. The Law on Criminal Procedure includes clear and detailed provisions governing compensation for unlawful arrest or other investigative measures taken by police. These are described in connection with article 9 of the Covenant.

25. In Iceland there are no courts with exclusive jurisdiction in constitutional or administrative matters. The general courts are competent to resolve issues relating to the legality of administrative decisions and to the constitutional validity of legislation (art. 60 of the Constitution).

26. There are cases where litigation based on a breach of a principle of equality, such as expressed in article 3 of the Covenant, has been successful. This relates to employment discrimination on the basis of sex, and damages were awarded to compensate for the loss sustained.

27. The office of the Ombudsman of the Althing was instituted by Law No. 13/1987. The Ombudsman is elected by the Althing, and can be removed from office by a two-thirds majority of the Althing. The Ombudsman does not, however, accept instructions from the Althing or any other party (arts. 1 and 4 of the Law).

28. The role of the Ombudsman is to monitor the exercise of administrative powers by the State and the municipalities, to the extent to which their decisions can be referred to the central authorities. He shall ensure, furthermore, that the rights of citizens vis-à-vis the authorities are observed and that administration is in other respects exercised according to law and good administrative practice. The Ombudsman is also to notify the Althing, the relevant Minister of the Government or the relevant municipal authorities if he considers that law or general administrative provisions in effect are defective (art. 11). This refers not only to administrative provisions in conflict with law or lacking support in law or to enactments in conflict with constitutional provisions, but also to laws in conflict with international agreements, especially human rights agreements. Anyone considering that he had suffered injustice at the hands of an administrative authority may lodge a complaint in writing with the Ombudsman. The Ombudsman may also concern himself with a matter of his own initiative (art. 5). In his work the Ombudsman has extensive access to administrative data. The approval of a Minister is necessary only in cases involving national security or foreign affairs (art. 7).

29. If the Ombudsman considers that a violation of law has taken place he supplies the parties concerned with his conclusions, which he also may publish, if he considers this advisable. If he deems that a criminal offence has been committed he notifies the property authorities (arts. 10 and 12).

30. Each year the Ombudsman presents a report to the Althing on his activities. He may also issue a special report on serious cases (art. 12). In his report for 1991 he stated that administrative authorities generally took account of his criticism and indications. Opinions of the Ombudsman, as they have expressed criticism of administrative procedures and methods, frequently provide an occasion for public discussion.

31. Complaints to the Ombudsman have greatly increased in number since the office was established in 1988, as shown in the following table:

Year	Number of Complaints	Cases investigated on the initiative of the Ombudsman
1988	67	3
1989	150	4
1990	151	1
1991	168	2

32. The principles governing access to the courts are described in connection with article 14 of the Covenant. The Ministry of Justice has conducted some preparatory work in order to provide the public with free legal assistance. At present this service is only provided by law students, and it is uncertain whether or when the plans of the Ministry of Justice will be carried out. Many practising lawyers, however, provide such assistance on humanitarian grounds.

Article 3

33. In 1992 the President of the Republic, the President of the Supreme Court and the Speaker of the Althing were women. This demonstrates that in Iceland it is possible for women to reach the highest offices, despite the fact that an equal ration of men and women in the highest offices and positions in the public sector is still a considerable distance away.

34. Of the 63 principal members of the Althing there are, following the elections of 1991, 15 women, or 24 per cent of the members. One of the 10 Ministers of the Government is a woman. One of the eight judges of the Supreme Court is a woman. The ratio of women to men in the country's municipal governments following the municipal elections of 1990 was 22 per cent in rural areas and 31.5 per cent in urban areas. In the municipal government of the city of Reykjavik there are 15 members, 8 men and 7 women.

35. In 1990 the ratio of women to men on committees, commissions and boards within the public sector was 16.6 per cent, an increase from 11 per cent in two years. In 1987 the percentage of women in management positions within the Ministries was 32 per cent, having risen from 25 per cent in 1985. Within public institutions this ratio was 26 per cent in 1987 and 13 per cent in 1985. Women most commonly work in lower of mid-level management positions.

History of women's rights

36. In 1909 women acquired the right to vote and eligibility for office within municipal governments generally; this right had been granted women two years earlier in the town of Reykjavik and Akureyri. In 1915 women having

reached 40 years of age obtained the right to vote in elections to the Althing and eligibility for membership of the Althing. The age requirement was reduced to 25 years five years later, this being the same as for men.

37. In 1911 a law was enacted ensuring for women freedom of access to institutions of learning, the right to obtain study grants and the right to be commissioned to public office. It was expressly stated that women were to enjoy the same remuneration for their work as men. Female teachers obtained the right to equal pay in 1912, and in 1945 a special provision of law concerning the remuneration of women in government service was repealed. In 1961 a law was enacted providing for equal pay for men and women in private industry, which goal was to have been reached in 1967. As this was not completely successful the Equal Remuneration Council was established in 1973. The law in respect of Equal Status for Men and Women was enacted in 1976, at which time the Equal Rights Council replaced the Equal Remuneration Council.

38. Iceland is party to the Convention on the Elimination of All Forms of Discrimination against Women of 18 December 1979.

The Women's List

39. In order to increase political participation of women a political organization, the Women's List, was formed. The List first took part in elections in some of the larger urban municipalities in the 1982 municipal elections, and in elections to the Althing during the following year. In 1991 the List took part in the elections in all electoral areas, and five of its representatives were voted to the Althing.

Equal rights legislation

40. The Equal Status Law of 1976 has been revised twice, and the present Law dates from 1991. The objective of the present Law, Law No. 28/1991 on Equal Status and Equal Rights of Women and Men, is to secure equal rights of men and women generally, and not only as regards remuneration for work.

41. The Equal Rights Council consists of seven members, nominated by various parties. The Council has the role of ensuring the implementation of the Equal Rights Law and to form the policies adopted by the authorities in matters concerning equal rights of women. The Council provides counsel to the authorities and to public institutions, and may on its own accord take special provisional measures in order to promote the rights of women. The Council is, furthermore, to perform research within the scope of the Equal Rights Law and to disseminate information (arts. 15 and 16 of the Law).

42. In each municipality of 500 or more inhabitants equal rights committees shall be instituted to provide counsel to the municipal governments (art. 13 of the Law).

Employment

43. Men and women shall receive equal pay and enjoy the same employment terms for work of equal value and the same nature (art. 4 of the Law).

44. It is forbidden for employers to discriminate in any way between their employees on the basis of their sex, such as in employment advertisements, hiring, training, promotions, wages or other employment terms. If a complaint is lodged against an employer on account of an alleged violation of the Equal Rights Law the burden of proof is reversed, and thus he must demonstrate to the Equal Rights Complaints Committee that his decision was based on other considerations (art. 6 of the Law).

45. The Minister of Social Affairs shall appoint three lawyers to serve on the Equal Rights Complaints Committee, who receive and investigate indications concerning violations of the Law. If the Committee considers that a violation has taken place it will forward an argumented request for remedy to the party concerned. If this goes unheeded the Committee may enter into legal action, in consultation with the complainant, in order to have high right recognized. The party responsible may be adjudged to pay compensation for financial as well as non-financial loss (art. 19-22 of the Law).

Affirmative action to enhance equality

46. The Minister of Social Affairs shall submit to the Althing a four-year implementation plan in the field of equal rights, which is to be revised at intervals of two years (art. 17 of the Law). The objective shall be to achieve as nearly as possible an equal ratio of women to men on committees, commissions and boards within the public sector, both State and municipal, and in private organizations. This shall always be mentioned when seeking nomination of persons to serve with such bodies (art. 12 of the Law).

47. In order to promote a more equal distribution between the sexes equal rights provisions may be deviated from when advertising for employees for work in particular sectors. This shall be expressly stated in such advertisements (art. 7, para. 2. of the Law).

48. Despite the fact that any discrimination on the basis of sex is unlawful certain provisional measures designed to improve the status of women and promote equality and equal status of women are not regarded as being in conflict with the Law. Rights enjoyed by women in connection with pregnancy and childbirth are not viewed as discrimination (art. 3 of the Law).

Education

49. Discrimination between the sexes in pedagogic institutions and schools, as regards studies, work, procedures and daily interrelations, is forbidden. As regards vocational guidance, vocations traditionally regarded as men's and women's vocations shall be introduced to both sexes equally. Active education on equal rights shall be provided at all stages. Special care shall be taken that textbooks fulfil equal rights requirements (art. 10 of the Law).

Advertisements

50. A person advertising, or preparing or publishing advertisements shall make certain that advertisements are not dishonourable or humiliating to either sex, or in any way in conflict with the equal status and equal rights of the sexes (art. 11 of the Law).

Women's status in the labour market

51. Women's participation in business and industry has increased from 33 per cent in 1960 to 82 per cent in 1986, when 42 per cent of women were fully employed. Women are in the majority in commercial and services sectors, but within these fields they form only a small minority of managers and experts. The majority of women on the labour market in 1986 were unskilled workers, service personnel or clerks. Traditional women's work, such as care of children or patients, is paid lower than traditional men's work.

52. In 1958 Iceland ratified International Labour Organisation No. 100 of 29 June 1951 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value.

53. For a long time the law has provided for equal pay for men and women. In 1986 the pay of fully employed women was 61 per cent of men's pay. Fully employed women were deemed to constitute 38 per cent of the labour force, but their income was about 27.5 per cent of total remuneration to employees. The pay received by fully employed women with a university education averaged 75 per cent of men's pay. This difference is explained mainly by the fact that men work longer hours and do more overtime than women, who more often have greater responsibilities at home. Lower hourly pay is only a part of the explanation.

Women's education

54. In secondary schools girls have been more numerous than boys since 1977. Girls are in the majority in language studies, social sciences and health care, but boys predominate in empirical science and sports studies. Thus sex influences, to a degree, the choice of curriculum. The same is the case in universities. Certain studies are almost exclusively pursued by women, such as library studies, nursing or physiotherapy, while few women study engineering, technology or the empirical sciences.

55. Since 1986 the majority of students registered at the University of Iceland have been women. During the school year 1991/92 55.4 per cent of the university's students were women. About one half of law and medical students and about one third of the business administration students were women. There is an increase in the number of women theological students and the number of women clergy has increased greatly in recent years. These professions were previously regarded as traditionally men's professions.

Equality among married couples

56. Equal obligations and equal rights of married couples are a guiding principle of the Law on Couples' Rights and Obligations No. 20/1923. According to articles 2 to 6 of the Law husband and wife are mutually obliged to provide for each other's support but, subject to what the interests of the family may dictate, each of them is in charge of his or her own property. Thus, according to article 20, a married owner of real property may not dispose of such property where the family lives, except with the spouse's

approval. According to article 18 each spouse has a claim to one half of the other's net assets when assets of married persons are being distributed between them.

57. Article 12 of the Law discriminates between couple for the benefit of the wife. The article provides that a husband may be bound by an agreement concluded by his wife on behalf of both of them, in order to meet her personal needs. There is no similar provision which relates to the husband by reason of his personal needs. Articles 26 and 27 of the Law provide for a more limited liability on the part of the wife for certain financial obligations for which they are both liable. These provisions derive from the time when women seldom acquired income from work outside the home. Equality of men and women within the home is discussed further in the section relating to article 23 of the Covenant.

Custody of children

58. According to article 30, paragraph 1, of the Law on Children No. 20/1992, married couples and cohabiting persons have joint custody of their children, if a different arrangement is not prescribed by law. The Law generally does not prescribe to which parent custody shall be granted. However, in the absence of a decision specifying a different arrangement the mother shall, according to article 30, paragraph 2, of the Law, have custody of a child born out of wedlock when the parents are not cohabiting.

59. Despite the fact that equality of parents has for a long time been provided for under law, in practice it is much more uncommon for custody to be granted to a father on divorce. There seems to be a strong tendency to grant custody to a father only if he establishes that the mother is unfit to care for the child.

Effect of marriage on citizenship

60. Marriage does not affect citizenship without the consent of the person in question. Icelandic citizenship is lost only if an Icelander becomes a citizen of a foreign State by his own application or express request, or is granted foreign citizenship when entering into the service of a foreign State, as specified in the Law on Icelandic Citizenship No. 100/1952, article 7. Nor do foreign nationals automatically become Icelandic citizens when marrying Icelandic citizens. In such cases citizenship is granted upon application. The residence requirements laid down in such cases is, however, shorter than that laid down with regard to other applicants. As provided for in article 6 of the Law and article 68 of the Constitution, citizenship is granted in each case by a special enactment of the Althing.

61. Iceland is a party to the Convention on the Nationality of Married Women of 20 February 1957.

Sexual offences

62. The provisions of the General Penal Code on sexual offences were modernized in 1992, and they now no longer distinguish between men and women.

Article 4

63. The Constitution has no provisions on general emergency or on measures that may be taken under such circumstances. Theoretical jurisprudence has assumed the existence of an unwritten principle to the effect that an emergency may justify derogation from constitutional or statute provisions. When taking over the powers of the King during the Second World War, after Denmark had been occupied by Germany, the Icelanders based their actions on such emergency considerations. The Constitution was at that time largely identical to the Constitution adopted when Iceland became a Republic in 1944. An emergency situation has not developed since the founding of the Republic, and no measures derogating from constitutional or statute provisions have been taken for such reasons.

64. By reason of the unwritten maxim that domestic law shall be construed to conform to international law, measures based on emergency considerations derogating from constitutional or statute provisions, affecting the rights enumerated in article 4 of the Covenant, would not be deemed lawful.

Article 5

65. The general principle of legislative construction provides that laws shall be construed in conformity with their wording, unless there is a reason for a restrictive or a broad construction because of the purpose of an enactment or with regard to other accepted considerations governing legislative construction. This applies equally to domestic and international law. It is therefore out of the question to justify a violation of human rights by restrictive interpretation of, or contrary inference from, any provision of the Covenant.

66. Since Iceland became a party to the Covenant fundamental human rights have not been infringed on the pretext that such rights are not protected by the Covenant or other human rights.

Article 6

67. Manslaughter is punishable under the General Penal Code No. 19/1940, article 211. Under that article, manslaughter requires imprisonment for from five years to life. Mercy killing is not permitted. However, article 213 of the Penal Code addresses manslaughter done at the imploration of the deceased and provides a milder penalty than article 211. Clauses in article 212 deal with a mother's killing of her newborn baby in certain frames of mind. Article 215 addresses negligent manslaughter, article 216 abortion and article 218(2) bodily attack that results in death.

68. Icelandic laws are in accord with article 2 of the European Convention on Human Rights which deals with the right to life.

69. Manslaughter is relatively infrequent in Iceland, but has increased during the last decades. A few manslaughter cases have been concluded in district court with a judgement remanding the defendant to protective custody after a ruling of non compos mentis.

70. From the establishment of the Supreme Court in 1920 to the end of 1991, the Court has heard 39 appeals based on violations of article 211 of the Penal Code. Nearly three fourths of them (28) arose in the last two decades.

71. If manslaughter is proved, acquittal is possible only if the defendant acted in self-defence or in defence of someone else (General Penal Code, art. 12). Strict elements must be proven in order for this defence to succeed. If they are not entirely established, the defence fails, but a reduced sentence is still possible (art. 74(1)).

The death penalty

72. The death penalty was abolished in 1928 when it had not been invoked for nearly a century (since 1830). Iceland has entirely complied with the European Convention on Human Rights, Protocol No. 6 on abolition of the death penalty.

Bearing of arms by the police

73. Iceland has no standing army. Ordinary policemen are not usually armed. There are, however, weapons in police stations. If necessary, a special armed unit is mustered - for example, if an armed man threatening public safety must be arrested. No one has yet been wounded in armed confrontations with police.

Bearing of arms by citizens

74. Strict rules apply to citizens' owning of guns. A prospective gun owner must get a special permit after demonstrating that he is qualified to handle guns. Chiefs of police conduct training and examinations in weapons handling, safety rules and laws applying to hunting. The applicant may not have a criminal record (Law on Guns, Explosives and Fireworks No. 46/1977).

75. Permits are generally granted only for shotguns and smaller rifles. Permits are not granted for automatic and semi-automatic rifles or automatic shotguns. The Ministry of Justice must grant permits for handguns. More detailed rules on guns and ammunition are found in Regulation No. 16/1978.

76. Guns were used in 8 of the 38 cases of manslaughter ruled on by the Appeals Court from 1920 to 1991.

Abortion

77. Abortions are not considered manslaughter under Icelandic law. Illegal abortions are punishable under the General Penal Code, article 216, and there is lighter punishment for the pregnant mother than for others. The Law on Consultation and Education on Sexual Relations and Maternity and on Abortions and Sterilization, No. 25/1975, permits abortions for medical and social reasons (art. 9). The foetus shall be aborted preferably before the end of week 12 of pregnancy, but never after the end of week 16, except for serious medical reasons (art. 10).

Protection of life and health

78. Infant mortality in Iceland is among the lowest found anywhere in the world. The health and development of infants and pregnant women are monitored regularly. Schoolchildren receive a physical examination at least once a year. Patients pay but a small part of the cost of medical treatment and drugs.

79. The Law On Occupational Conditions, Hygiene and Safety, No. 46/1980, provides for a safe and healthy working environment.

Article 7

80. Bodily assault, including torture, is punishable under the General Penal Code, paragraphs 217 and 218. Under the European Convention on Human Rights, paragraph 3, no one should suffer torture or inhumane or degrading treatment or punishment.

The Police

81. No one can be appointed a policeman without graduating from the federal police academy (Law on the Police, No. 36/1972). Students at the police academy receive instruction on the rights of suspects, those under arrest and those in detention. They are instructed on basic human rights.

82. Policemen's general duties are found in various laws and customs, rather than in a cohesive body of law. For example, in arresting someone a policeman must beware not to cause him undue discomfort (Law No. 19/1991 on Criminal Procedure, art. 101(1)).

Police interrogation

83. The Law on Criminal Procedure contains rules about police interrogation. Article 69(2) limits interrogation to no more than six hours, and requires that there be sufficient sleep and rest between interrogations. In article 33(2) there are rules about permissible ways to ask questions and article 42(2) states the right for a suspect's lawyer to be present at interrogations.

Validity of evidence

84. Evidence obtained by torture would not automatically be invalid under Icelandic law since a judge has full discretion as to validity of evidence. On the other hand, police reports have limited validity as evidence since a judgement must be based on evidence which is put before the court (art. 48). If the police obtained a confession by torture which later led them to incontrovertible supporting evidence, the accused would be convicted, but the policeman at the same time would be punished for unprofessional conduct. Moreover, he would run the risk of being charged with a crime and dismissed from the police force. In a few cases policemen have been punished for perpetrating violence, nearly always while making an arrest.

85. In the General Penal Code it is a punishable offence to illegally induce someone to confess or inform and to perform an illegal arrest, imprisonment or investigation (art. 131).

86. In article 138 of the General Penal Code there is a clause providing for an increase in the severity of a punishment that shall be applied when a public employee commits an offence considered to be an abuse of his position but which itself is not a punishable violation of his office or administration. This section will be applied when a policeman commits a violation while on duty. According to article 139, it is a punishable offence for a public employee to abuse his position.

Punishments

87. Imprisonment and fines are the only forms of punishment in Iceland. Proposals have been made to institute community service as an additional form of punishment. A draft law on this matter was introduced in the Althing, but was not passed. The conditions and treatment of prisoners in Icelandic prisons will be described in more detail below in the discussion on article 10 of the Covenant.

Castration

88. According to Law No. 16/1938 that is still partially in effect, a police chief can demand someone's castration if he believes that the person's abnormal sexual drive could result in criminal acts. A judicial decision is required along with the agreement of the Director General of Public Health and a special committee. Only one instance is known where this law was invoked and a petition for castration was considered by a court. A district court rendered a decision on such a petition some 20 years ago. The judgement was not appealed.

Protection of children

89. If the police or a judge must interrogate a child under 16 years of age, a representative from the Committee for Protection of Children and the child's parents are entitled to be present (art. 14, Law No. 58/1992 on the Protection of Children and Youths that took effect on 1 January 1993).

90. Corporal or psychological punishment may not be employed in homes or institutions for children and youths (art. 58, para. 2).

91. It is punishable under article 64 to employ punishment, threats or intimidation where children or youths are concerned if such treatment might be expected to cause psychological or physical damage.

Treatment of schoolchildren

92. Corporal punishment is not permitted in schools any more than it is elsewhere.

Treatment of patients

93. The main rules regarding treatment of patients in hospitals are found in the doctors' and nurses' code of ethics. Under the laws of the Icelandic Medical Association, the International Code of Ethics for Doctors is the foundation for the Association's Codex Ethicus that applies to all its members.

94. Chapter II of the Code discusses the relationship between doctor and patients, stating inter alia, that a doctor is obligated to show his patient all possible concern and sensitivity. A doctor has a duty to avoid doing anything that could weaken his confidential relationship with a patient. The main rule is that the doctor shall explain to a patient his illness, conditions and prospects.

95. The code of ethics of Icelandic nurses is in accord with the international code of conduct for nurses. It is stated there that nursing includes respect for life and personal sanctity, and that such respect shall be without regard to nationality, race, religious belief, colour, age, sex, political beliefs and social status.

Research without the subject's agreement

96. Scientific or medical research on people without their full consent is deemed to be corporal injury and, therefore, punishable.

97. Under Law No. 108/1984 on Pharmaceutical Products, there is a Special Committee on Pharmaceutical Products. The Minister of Health appoints five members who are specialists in the widest areas of medicine and pharmacology. The Committee's role, inter alia, is to grant licences for experiments with unregistered drugs and make rules that explain in greater detail how such research should be conducted, what is permitted, what operations should be included and what the responsibilities and liabilities for damages are of those who do the research. The rules are set forth in Regulation No. 284/1986 on Pharmaceutical Products. It is stated in article 10, inter alia, that those participating in experiments with unregistered drugs (patients and healthy individuals) must agree to participation in the research. It must be clearly explained to them that they can withdraw their consent at any time. A person bearing responsibility for the research shall inform participants verbally and, if possible, also in writing, of the purpose and manner of research, the possible risk and discomfort for participants that might be involved and whether placebos are to be used. Written information for participants should accompany an application to the Committee on Pharmaceutical Products for a permit to conduct clinical research. Comparable information shall be given to staff who conduct the research.

98. Article 14 of the Regulation states that participants in clinical research shall be adequately insured against possible damage to their health due to the research. Usually the manufacturer of the pharmaceutical product takes care of such insurance, but in any event the party responsible for the research has to arrange such insurance or a declaration of responsibility from a relevant health institution.

99. The code of ethics for doctors states that if a doctor does experiments with a new drug, research, procedures or other medical work, he shall always have the welfare of individual patients in mind.

Special international obligations

100. Iceland is a party to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment of 26 November 1987). The Committee which under the Convention investigates treatment of people deprived of their liberty is expected to come to Iceland in 1993. Law No. 15/1990 applies to the immunity of the committee members and their right to have access to all places where there are people who have been deprived of their liberty. Other changes to law were deemed unnecessary for Iceland becoming a party to the Convention since a new law on prisons took effect in 1989.

Article 8

Paragraphs 1 and 2

101. Slavery was discontinued in Iceland in the Middle Ages. Prohibition of slavery is so self-evident that it is not even mentioned in law. The same is true of servitude. There are, however, general provisions in the General Penal Code which would be invoked against any form of servitude. Article 225 makes it punishable to coerce someone illegally to do or not do something. Deprivation of freedom, which can be part of slavery, is punishable under article 226. Reference is made to article 4 of the European Convention on Human Rights that prohibits slavery.

102. Convicted criminals are not sentenced to forced labour.

103. A breach of work obligations never leads to a judgement for performance, but rather for payment of damages.

International agreements

104. Iceland has ratified, inter alia, ILO Conventions No. 29 of 28 June 1930 concerning Forced or Compulsory Labour and No. 105 of 25 June 1957 concerning the Abolition of Forced Labour as well as the United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 7 September 1956.

Prostitution and whoremongering

105. Prostitution is generally believed to be uncommon in Iceland and servitude of prostitutes is unknown. It is a punishable offence to engage in prostitution for a living, (art. 206, para. 1, of the General Penal Code), but a more severe punishment is provided for those who work or earn their living from the promiscuity of others, or entice, encourage or assist youths under 18 to earn their living from promiscuity, or help anyone to emigrate in order to earn a living from promiscuity if the person involved is under 21 or is ignorant of the purpose of the journey (paras. 2-4).

106. If an example of forced prostitution were found, it would be necessary to prosecute the guilty party under the general provisions of the Penal Code on compulsion or deprivation of freedom along with other relevant provisions, for example, on physical violence.

Child labour

107. Various provisions of law are intended to prevent excessive child labour, even though there is no child servitude involved. Under Article 54 of Law No. 58/1992 on the Protection of Children and Youths, the Committee for Protection of Children has the duty to guard against instances where a child or youth is oppressed by heavy or unhealthy work, long working hours, late work shifts or irregular working conditions.

108. Children of compulsory school age, i.e. up to age 16, may not work during school hours if the work results in the student's being unable to attend adequately to studies or getting necessary rest (art. 56 of Law No. 49/1991 on Basic Schools). Various laws have provisions on age regarding child labour. Rules on work by children and youths will be more fully described in the discussion of article 24 of the Covenant.

Paragraph 3

Subparagraph (a)

109. There is no longer any sanction in law to sentence someone to work at an institution, but such laws did exist until a short time ago with regard to child maintenance and child support. Law No. 54/1971 on District Collection Agencies, article 5, paragraph 4, section 4, sanctioned this remedy. This provision was abolished by Law No. 92/1991 on changes to Various Laws in the Wake of the Separation of Judicial and Executive Powers at the District Level. Iceland's reservation with regard to this provision of the Covenant is no longer necessary.

Subparagraph (b)

110. Prisoners are generally required to perform light work within the framework of customary working hours, where circumstances permit. They receive wages for the work. If prisoners prefer, they can elect to pursue studies instead of working and receive wages according to their diligence and achievement. Prisoners who do not work receive a per diem.

Subparagraph (c)

111. A draft law on social service as a form of punishment was introduced in the Althing, but was not passed. if the Althing passes the law, it will be possible to sentence people to work without pay in the service of society instead of serving a term of imprisonment.

112. Article 75 of the Constitution sanctions enacting a law for mandatory military duty, but this provision has never been invoked, and in fact Iceland has never had an army.

113. Mandatory civic duty has never been enacted in Iceland.

114. A criminal investigator can call upon people to perform certain work for pay in service of the investigation. Relatives of the accused are excepted, and it is required that the work be done without danger to those called upon or their relatives and without serious loss of employment (art. 73 of Law No. 19/1991 on Criminal Procedure).

115. It is a punishable offence under article 127 of the General Penal Code to ignore an official summons for assistance in preventing an offence or other misfortune that could endanger the lives, health or welfare of others, if the party summoned could provide assistance without danger to himself or threat to his substantial interests.

116. Other civic duties are insignificant. The most important ones include the obligation to be an appraiser or surveyor in a court case and the duty to serve as a poll monitor for a general election. For both duties a fee shall be paid.

Article 9

Paragraph 1

117. The laws of Iceland nowhere specifically state that everyone enjoys the right to liberty and security of person. Indeed, the right is regarded as self-evident and fundamental. Chapter XXIV of the General Penal Code deals solely with offences against people's freedom of action. Article 225 provides for fines, detention and imprisonment for up to two years for illegally compelling someone to act or refrain from acting and in article 226, paragraph 1, there is provision for up to four years of imprisonment for depriving someone of his freedom. If the deprivation of freedom is done for gain or has lasted a long time, such as when someone has been put in an insane asylum without authority, transported to another country or delivered into others' power who have no right over the person, article 226, paragraph 2, provides an even severer punishment of not less than one year of imprisonment and up to 16 years or life. There are a few instances of judgements rendered under article 225 and article 226, paragraph 1, but offences deemed to fall under article 226, paragraph 2, are nearly unknown.

118. Regarding further provisions on people's right to liberty and security of person, reference is made to article 5 of the European Convention on Human Rights.

119. As can be inferred from provisions in chapter XXIV of the General Penal Code, people's liberty is protected by very strict sanctions. Exceptions exist to the rule that depriving someone of his liberty is not permitted. There are strict requirements for deviating from this fundamental rule, and there must be unequivocal legal authority for depriving someone of his liberty. These requirements will be enumerated below.

Arrest

120. Chapter XII of Law No. 19/1991 on Criminal Procedure authorizes arrests. Police have the right to arrest someone under Article 97 if there is a reasonable suspicion that he has committed an indictable offence, provided arrest is necessary to prevent a continuing offence, ensure a person's accessibility and safety or prevent him from destroying evidence. The same authority exists for anyone who catches someone committing an indictable offence that could result in imprisonment. In that case, there is a duty to turn the arrested person over to the police without delay along with information about the circumstances of the arrest and when it was made. Finally, there is authority to arrest anyone who is present at a disturbance that results in bodily injuries or substantial property damage or danger of such, and when a number of people participate in riots that have resulted in a loss of life. A person can be arrested then if there is reason to believe he participated in the disturbance even though there is no certain indication of guilt.

121. Article 98 contains further authority for police arrests. This article deals with someone who, while serving a sentence, has escaped from prison or detention or has violated a travel restriction. The same authority applies to someone who has violated the terms of his parole, probation or pardon, as well as when someone ignores a summons or fails to comply with a subpoena to make a report on a criminal matter. Finally, police have authority to arrest someone who goes berserk in public or creates a danger of public disturbance and also someone who has no permit for residency in the country. As to the latter, more will be said in the discussion below of article 13 of the Covenant regarding requirements for residency permits and deportation of aliens.

122. Under article 24 of Law No. 90/1989 on the Execution of Judgements, the police have a duty, at a district magistrate's request, to locate the defendant in a bailiff's action or his agent and bring him to the bailiff's proceeding if he ignores the summons he has received. Article 29 provides authority to deprive someone of his liberty for up to 24 hours if a defendant tries to evade providing information in a bailiff's action that the district magistrate deems essential to the proceeding. Article 55 of the Law on Civil Procedure permits police to bring a witness to court who has not heeded a summons in a civil proceeding, and article 58 of the Law on Criminal Procedure has a comparable provision for criminal proceedings. In all these instances, a district magistrate or a judge orders the police to take action.

123. The instances discussed above in paragraphs 120 and 121 where police are authorized to make an arrest have in common that swift response can be necessary; it is therefore unavoidable that a policeman must evaluate the circumstances, although his evaluation may later prove to have been wrong. By enumerating instances where arrest is permitted, an attempt is made to preclude arbitrary decisions leading to an arrest. Provisions in law on procedures after arrest, which will be discussed in greater detail later, are also intended to ensure that the decision to arrest will be swiftly reviewed by a judge.

124. A judge can issue a warrant for arrest at the request of the Director of Pubic Prosecutions or the police (art. 99 of the Law on Criminal Procedure). Such a warrant shall be in writing and state clearly who shall be arrested along with the reasons for the arrest. It is permitted to publish such warrants and charge whomsoever with carrying it out if the one to be arrested is supposed to serve a term of imprisonment or if his whereabouts are unknown or if his offence could lead to imprisonment. Such publication has been permitted in law for four decades, but has never been implemented.

125. Article 101 of the Law on Criminal Procedure discusses procedures for making arrests. Care shall be taken that the person arrested should not be caused unnecessary discomfort. The same provision authorizes a search of the arrested, and things on his person shall be taken for safekeeping. They shall, however, be returned when the person is released unless they are confiscated under special rules which are detailed in the law.

Deprivation of liberty for reasons of health

126. Article 13 of Law No. 68/1984 on Legal Competence states that a competent person will not be put into a hospital against his will. However, someone can be confined if he is afflicted with a serious mental disease or excessive use of alcohol, addictive or narcotic drugs. Such restriction of liberty may be for 48 hours at most, unless the Ministry of Justice grants permission for a longer period and a doctor deems that a longer stay in a hospital is unavoidable. In the Law on Legal Competence an exhaustive listing is made of those who can petition the Ministry of Justice for someone's hospitalization: only the closest members of the person's family and a legal guardian as well as the Department of Social Affairs or a corresponding representative of the local government of the person's place of residency.

127. The Law on Legal Competence has more detailed rules on treatment of the matter by the Ministry of Justice. Thus, the Ministry must accept the petition for hospitalization immediately for processing. The petition should explain why the hospitalization is needed and must be accompanied by a medical certificate less than three days old. The Ministry shall process the petition immediately and without unnecessary delay decide whether to permit hospitalization, after gathering information as needed. It can, inter alia, seek the opinion of a doctor who is responsible to the Ministry.

128. Compulsory hospitalization according to a decision by the Ministry of Justice may not last longer than necessity dictates and never for more than 15 days unless prior to that time a petition has been made to a court that the person be declared incompetent (art. 19 of the Law on Legal Competence). It is possible to petition for court review of the Ministry's decision for hospitalization, and the Ministry's doctor has a duty to acquaint the person to be hospitalized of that right. There are special rules about swift treatment of such cases by a court.

129. The number of hospitalizations resulting from court decisions has remained largely unchanged the last few years, as can be seen from the following figures:

1988	77
1989	71
1990	74
1991	80

It should be noted that the figures represent the number of hospitalizations, not individuals who were hospitalized. In some instances the same individual was hospitalized more than once in the same year.

130. As regards processing of these cases, in nearly all of them the Ministry of Justice decided the question of hospitalization the same day as the petition was received, and in special doubtful instances the opinion of the Ministry's doctor was sought. In many cases petition to the Ministry for compulsory hospitalization is made when the two-day period for keeping someone in the hospital against his will is running out, but this is not always the case. In recent years there have been a few cases where the Ministry's decision to hospitalize has been taken to court, but in no instance has such a decision been invalidated.

Paragraph 2

131. In Iceland the invariable rule is followed in criminal procedure that the accused must be informed of the accusation against him before he is interrogated or at the time of arrest (art. 32 of the Law on Criminal Procedure).

Paragraphs 3 and 4

132. Article 65 of the Constitution sets out the main rules for arraignment, the time-limits involved and conditions of detention on remand (see para. 7 of Iceland's initial report CCPR/C/10/Add.4). Article 102 of the Law on Criminal Procedure states that an arrested person shall be arraigned in court without delay, unless he is released, or returned to custody or a prison term to which he has been sentenced. Under these provisions the maximum time between a person's arrest and his arraignment is not specified. The phrase "without delay", on the other hand, is very literally understood and applied in Iceland such that people are arraigned on the same day as they are arrested, i.e. within 24 hours, barring extremely exceptional circumstances such as bad weather or impassable roads in a rural area which prevent someone being brought before a judge. In practice, such a delay is extremely rare.

133. If someone is not released immediately after being arraigned, the rule, absolutely without exception, is that a judge shall issue a reasoned decision within 24 hours on whether the person under arrest shall be placed in detention as demanded by the investigator. Only under exceptional circumstances, and for the more serious offences, are people remanded into custody. According to article 105 of the Law on Criminal Procedure, a judge shall usually render a decision on a petition in the same court session, but the maximum time-limit is, as mentioned, 24 hours.

134. Article 65 of the Constitution requires that no one may be remanded into custody for an offence that can only result in a fine or simple imprisonment. The phrase "simple imprisonment" is an old expression which means the same as

detention. Detention is, in fact, a lighter term of imprisonment according to Icelandic law: its length can be from five days to two years, whereas people can be sentenced to a prison term of 30 days to 16 years or life. No distinction is made in the treatment of prisoners serving a term of imprisonment and prisoners in detention.

135. Chapter XIII of the Law on Criminal Procedure sets down detailed rules to complement the main rules embodied in the Constitution on detention. Chapter XIII states the requirements that there be a suspicion, supported by evidence, that the accused has committed an offence punishable by imprisonment and that he is at least 15 years old. In addition, one of the following conditions must be met:

(a) There is a risk that the accused will impede the investigation by removing evidence of the offence, conceal things or influence witnesses or accessories to the crime;

(b) The accused could be expected to leave the country or in some other way avoid the proceedings or execution of punishment;

(c) The accused could be expected to continue with his lawbreaking while the case is going on;

(d) Custody appears necessary to protect others from attacks by the accused or to protect the accused from attacks or influence by others.

Finally, there is a special rule stating that someone can be placed in detention without regard to the above requirements if there is a strong suspicion that he has committed an offence that could merit up to 10 years of imprisonment; here the statutory sentence for the crime is the standard, and not the probable sentence.

136. In more than 90 per cent of cases of detention of the accused is demanded under requirement (a), i.e. because of the needs of the investigation. The next most common basis is requirement (c), applied in parallel with requirement (a) when habitual offenders are involved, and next comes the requirement concerning a strong suspicion that the accused's offence could warrant up to 10 years of imprisonment. The latter applies especially in cases of manslaughter and other more serious offences. Detention on the basis of requirements (b) and (d) is rare. Detention is always for a definite period, and an accused can always appeal a detention order to the Supreme Court.

137. Statistics on detention and terms of custody by petition of the State Criminal Investigation Police for the years 1987-1991 are as follows:

1987	79
1988	72
1989	73
1990	71
1991	46

By comparison, the State Criminal Investigation Police's total number of cases per year is approximately 4,400.

138. Instances where people have been placed in detention because of an investigation concerning illegal drugs by a special drug squad are as follows:

1987	30
1988	20
1989	41
1990	28
1991	23

It should be noted that these figures represent the total number of detention orders, not individuals. Therefore, decisions to extend detention of the same individual are counted separately: there can be more than one such extension. The average length of detention in the above instances was from 10 to 15 days.

139. Detention orders issued outside Greater Reykjavik have not been included, but they could be estimated at 5 per cent of the total. Investigation of the most serious offences committed everywhere in the country, including manslaughter, is carried out by the State Criminal Investigation Police.

140. Article 109 of the Law on Criminal Procedure authorizes a judge to release people on bail instead of placing them in detention if certain conditions are met. It is nearly unknown in actual judicial practice in Iceland for this authority to be applied. Authority to enjoin people from travel under article 110 has been deemed to serve the same purpose. Thus, instead of detention, a judge can require an accused to remain in a certain area, for example, a township, or forbid him to leave the country, or order him to remain in a hospital or relevant institution.

141. If an alien is arrested because he has no residency permit, as mentioned above in paragraph 122, article 15 of Law No. 45/1965 on the Regulation of Aliens gives police the authority to ensure his presence until a decision is made as to whether to deport him, as well as to carry out such a decision. For that purpose, the alien can be required to appear before the police at a certain time or be forbidden to leave a specified area. If it appears that these provisions are insufficient to ensure the alien's presence, the same provision of law authorizes placing him in detention under the relevant provisions of the Law on Criminal Procedure described above. Such detention would be decided by a court, as usual.

142. The Minister of Justice has the duty of deciding whether an alien will be deported under the Law on the Regulation of Aliens. The Minister of Justice gives an alien a deadline in this regard. The Minister's decision cannot be submitted to a higher government authority.

143. Government administrative procedure for cases involving residency permits and deportation of aliens are being re-examined, and there is a draft law before the Althing which makes the Immigration Office responsible for decisions on deportation of aliens and always permits an appeal of the

decision to the Minister of Justice. More details on this legislation and planned changes to law will be provided in the discussion of article 13 of the Covenant.

144. Someone who is hospitalized against his will through a decision by the Ministry of Justice always has the right to appeal the decision before a court, and there is a duty to apprise him of this right (see the discussion in para. 130 above).

Paragraph 5

145. Chapter XXI of the Law on Criminal Procedure discusses the award of damages to an accused person by the State Treasury for arrest, search of a person or house, confiscation, investigation of someone's state of health, detention or other procedures resulting in a deprivation of liberty where the legal requirements for the measures were lacking or there was insufficient cause for the measures or they were carried out in an unnecessarily injurious or insulting manner (art. 103). Someone who has been hospitalized against his will with no criminal matter involved also has this right. It is possible to demand damages for financial loss and moral damages in the instances described. If an innocent person is sentenced to punishment, he also has legal redress to remedies for financial and moral injury.

146. Every year there are a few cases of this sort before the Icelandic courts, and judgements have been rendered for damages arising from illegal arrest and detention. Statistical information on the number of such cases is not available. There are no instances of people demanding damages in a court case on the grounds that, although innocent, they were sentenced to punishment.

147. In order, inter alia, for this right to be available, a person who demands redress under chapter XXI of the Law on Criminal Procedure has an unconditional right to free court proceedings on both judicial levels, although, if he loses the suit, the court may rule that he must pay the court costs according to the general rules.

Article 10

Paragraph 1

148. Rules about the treatment and conditions of people in prisons and their rights are in Law No. 48/1988 on Prisons and Imprisonment. This law also addresses matters involving prison administration that is the responsibility of the State Prison Administration. Prisons are divided into two categories: prisons for serving sentences and prisons for detention. Those who are sentenced to prison terms or custody and those who serve a sentence instead of paying a fine are sent to the former.

149. Under the Law on Prisons and Imprisonment, sentenced prisoners have a right to a job, studies, recreational activities, being outdoors, physical activity, health and religious services, visits during visiting hours and telephone conversations, depending on what circumstances allow. Prisoners may be permitted to study and to work outside the prison.

150. Part of a prison term can be served in special institutions, for example, institutions for treatment of abuse of intoxicating substances. In making a decision on where a sentence is to be served, an effort is made take into account the prisoner's age, sex and history of offences.

151. If prison rules are broken, the warden of the prison can decide on disciplinary measures for the prisoners, for example, reprimands, deprivation of rights such as visits and telephone calls, deprivation of wages and solitary confinement for up to 30 days.

152. Law No. 31/1991 changed the Law on Prisons and Imprisonment by removing the provision stating that solitary confinement was not counted as part of the sentence, since that provision had been much criticized. The new Law, at the same time, codified authority for a prisoner to complain to the Ministry of Justice of being put into solitary confinement. The Ministry is obligated to make a decision within 48 hours of receiving such a complaint or the decision is automatically nullified. There have been a few instances of such complaints to the Ministry of Justice since the law took effect. It was common in the first applications of this authority for the Ministry to nullify disciplinary measures.

153. The State operates a school for prison guards. Classes are held there for prospective and working prison guards. There has been criticism that guards' training is focused more on security and custody than on positive rehabilitation of prisoners. In their training guards are repeatedly told they have to look after prisoners' human dignity and respect.

154. One prison for detention and five sentence-serving prisons are operated in Iceland with space for 117 prisoners in all. In the first part of 1992 the Minister of Justice appointed a Committee on Prison Issues to evaluate issues involving Icelandic prisons and where improvements were needed in this area. In the Committee's report of June 1992 there is strong criticism of prison facilities and conditions for prisoners and a recommendation that a new prison be built in the area around Reykjavik, that some prisons be closed and others altered such that space becomes available for 139 prisoners. When the report came out, it provoked a great deal of public discussion. Following the report the Government agreed on a four-year plan for action on prison matters to bring prison facilities up to standard. The Minister of Justice has appointed a committee to follow up on the proposed improvements contained in the report.

155. The country's largest sentence-serving prison is just outside of Greater Reykjavik and has space for 52 prisoners. There are doctors' facilities, a prison store, visiting rooms and facilities for work, study, leisure activities and physical exercise. The prison yard is large.

156. Prisoners work making paving stones and doing related tasks, manufacturing licence plates and containers, doing metal work and cleaning both inside and outdoors. The work day is three to four hours long, five days a week. A multidisciplinary school near the prison operates a department in the prison, and prisoners receive wages in accordance with their diligence and academic achievement. Prisoners have obtained permission to study outside the prison. Prison cells are open from 8 a.m. until midnight, and the prisoners' movements are nearly unrestricted. In the opinion of the Committee on Prison

Issues, there is a need to separate prisoners more than is now the case. The Committee recommends that use of one building for housing prisoners be discontinued. Other buildings suffer from a lack of maintenance.

157. The condition of the other four sentence-serving prisons, according to the Committee's evaluation, varies greatly, from being unacceptable to being very good, and the prisoners' conditions are good. In each prison there is room for 9 to 19 prisoners. The condition of the oldest prison, which is in Reykjavik, is considered the worst. It has been in use since 1874. The plan is to close it in the next few years. An attempt is made to house prisoners there for as short a time as possible.

158. The figures below show the average daily number of prisoners in sentence-serving prisons for the period 1985 to 1991:

Year	No. of prisoners per day
1985	73.25
1986	87.57
1987	81.36
1988	90.92
1989	97.44
1990	99.34
1991	98.16

159. In law, provision is made for an appropriate institution for those adjudged not mentally competent to stand trial, but who are dangerous to society. This year a special security hospital was opened to house mentally ill criminal offenders who have been sentenced to detention. There they should receive appropriate treatment. Previously, such patients have either been imprisoned or, if they agreed, sent to a foreign institution.

160. No special rules are in effect for treatment of patients in compulsory hospitalization by order of the Ministry of Justice. The same rules apply to them as to other patients (see the discussion of art. 7 of the Covenant and the code of ethics for doctors and nurses).

Paragraph 2

Subparagraph (a)

161. The rule is followed that prisoners in detention, including people who have been charged and are in detention, are held separately from convicted criminals. Article 108 of the Law on Criminal Procedure sets out special rules on the treatment of prisoners in detention. It is stated there that they shall receive the treatment required for detention to serve its purpose and maintain good order, but severity and harshness shall be avoided.

162. The Minister of Justice has established Regulation No. 179/1992 on Detention (cf. art. 108 of the Law on Criminal Procedure). In the Regulation there is detailed discussion of the rights of prisoners in detention. Such a prisoner is authorized to submit matters pertaining to his detention to a judge. More detailed special rules on treatment of prisoners in detention

include, inter alia, that they be permitted to procure and receive their own food and other personal necessities, including clothing. They are placed in solitary confinement only if necessitated by an investigation, although they will not be housed with other prisoners against their will. There is authority to limit the right of prisoners in detention to visitation, correspondence and access to the mass media if it seems necessary because of an investigation.

163. There is one prison for detention in the country, located in Reykjavik. In addition to prisoners in detention, other prisoners are housed there, depending on circumstances: temporary prisoners for the State Criminal Investigation Police, prisoners who are serving alternative punishment instead of paying a fine, people sentenced to security custody at a relevant institution, prisoners who have been sentenced to solitary confinement for a disciplinary breach in another prison, and regular prisoners who are housed there for a time until space is available in a sentence-serving prison. The report by the Committee on Prison Issues mentioned above criticized the conditions of prisoners in the prison and proposed that the prison be closed. A solution to the situation will be attempted in a complete reorganization of prison matters that is about to start.

164. There are detention facilities in nearly all police stations in the country, where people are detained for a few hours following arrest.

Subparagraph (b)

165. No legal provisions state directly that accused juveniles in detention shall be held separate from convicted criminals, or that there should be especially swift processing of cases where juveniles are concerned. Iceland's reservation regarding this provision, therefore, remains unchanged.

166. In practice, an attempt is made to find solutions other than detention if youths aged 15 to 18 are involved. Among other solutions, they have been placed in the State Institution for Maladjusted Youth instead of the prison for detention, or the committees for child protection have arranged to place them elsewhere and have set up special supervision for them. This stay is deducted from a prison term just as if it were detention.

167. There are no special provisions in law for speedy investigation of a criminal matter involving youths.

168. Article 210 of the Law on Criminal Procedure authorizes hospitalization or institutionalization instead of detention.

Paragraph 3

169. General policy statements on the objectives of the punishment system are not found in Icelandic law. During the last decades, prisoners serving sentences have received increased social rehabilitation while in prison. Social workers and psychologists employed by the State Prison Administration, inter alia, visit and talk with prisoners during their prison terms. Prisoners are also offered treatment for problems involving alcohol. Prisoners can seek the help of a special prison minister. There has been

increased discussion in recent years of enacting a law allowing community service as an option in the punishment system. A draft law on this matter was not passed.

170. An attempt is made to separate juvenile offenders who must serve a prison term as much as possible from adults. There are special rules in the General Penal Code regarding postponement of charges and terms of parole if minors are involved. The Director of Public Prosecutions is thus authorized to postpone for a specified time bringing criminal charges for offences committed by youths aged 15 to 21. This authority is liberally applied as is the authority to place juvenile offenders on probation.

171. Age influences the gravity of punishment for an offence according to chapter VIII of the General Penal Code; punishment is usually lighter when youths are involved. There is authorization to award less punishment than is stated as the minimum in a provision on punishment when an offence is committed by someone under 18 and it can be concluded that because of his youth full punishment is unnecessary or injurious. Youth under 18 can be sentenced at most to eight years of imprisonment.

Article 11

172. There is no authority in Icelandic law for people to be put in prison solely because they cannot pay their contractual debts. Debtors' prison is therefore completely unknown and unauthorized.

173. According to Law No. 90/1989 on the Execution of Judgements, a district magistrate has authority to restrict the liberty of a defendant to a bailiff's action upon demand by a plaintiff if the defendant evades supplying information for the action which the district magistrate deems necessary to its completion. It is permitted to restrict the defendant's liberty, according to this authority, until he complies with his obligation to provide information, but not for longer than 24 hours. This authority has not been used since the law became effective on 1 July 1992. Under an older law on the Execution of Judgements from 1887, there was much broader authority to deprive a defendant of his liberty under the same circumstances. Such deprivation, however, was never exercised while the law was in effect.

174. Law No. 31/1990 regarding Attachment, Injunction and Other Matters repealed a law permitting internment of people for debts. This authority was seldom invoked while the law was in effect and was deemed to be no longer in accord with attitudes about what measures are considered normal to collect or secure a demand for money.

Article 12

Paragraph 1

175. No restrictions are placed on travel within Iceland except, as a matter of course, those arising out of property ownership and authority to limit passage for those reasons.

176. Special rules apply for specially delimited restricted areas because of the presence of the Iceland Defense Force in Iceland. Under Law No. 60/1943, unauthorized entry onto or presence in restricted areas under military control can result in fines, detention or imprisonment, provided that the restricted area has been marked and enclosed, or access to it forbidden by signs or in another clear manner. Such restricted areas in the country are, in fact, very few and cover a small land area.

177. Under completely exceptional circumstances there is permission to restrict people's freedom of travel. One example is found in article 110 of the Law on Criminal Procedure cited in paragraph 140 above. According to this article, a judge can restrict an accused person to a certain area, for example, a township or judicial district, instead of sentencing him to detention. According to article 83 of Law No. 21/1991 on Bankruptcy and Other Matters, a referee in bankruptcy can request a district judge to forbid the bankrupt party to leave the country for a certain period if his presence is deemed necessary for the investigation of the finances of the estate in bankruptcy and the bankrupt party's dispositions prior to the bankruptcy. The same applies to the managing director and chairman of the board of a company or institution that has gone into bankruptcy.

178. A police chief has authority, at the direction of a presiding district physician, to cordon off an infected town, village, rural area or part thereof, as well as other areas, because of a threat of epidemic (art. 13 of Law No. 10/1958 on Epidemics). A police chief, then, should take necessary measures to maintain the cordon around the area. In practice, exercise of this authority is unknown.

179. Everyone is free to choose a place of residence in Iceland. Rules pertaining to registration of residence are found in Law No. 54/1962 on National Registry and Registration, Law No. 73/1952 on Notification of Change of Residence and Law No. 21/1990 on Residency.

180. A person's legal residence is the place where he has permanent residency according to a definition of permanent residency in the Law on Residency. Special rules apply to registration of residency and obligations to give notice of changing it. People are free to have legal residence anywhere in the country, although no one can have residency in more than one place at the same time.

181. A person who stays or plans to stay in Iceland for six months or longer and has a required residency permit shall have a legal residence in the country. Embassy employees in Iceland who are foreign citizens, however, do not have legal residence in the country, nor do members of the Iceland Defense Force (Law No. 110/1951 on the Validity of the Defense Treaty between Iceland and the United States of America and the Legal Status of the United States Armed Forces and their Property).

182. Public registration, including registration of legal residence, is handled by a special office, the National Register. The Statistical Bureau of Iceland is responsible for supervision of the National Register. In addition, local government and parish ministers outside towns take care of public registration. The National Register yearly makes a directory of inhabitants

for each township. It contains the names of all individuals having a place of residence there, along with information on dates of birth and other important facts on each individual. The registers are sent to the local governments, and any corrections to them are sent to the National Register. Each local government has a duty to collect information on changes that may be required to the district's register of the inhabitants so that it is correct.

183. If a person moves to another township, he is required to notify its local government of his change of legal residence. Exceptions include, inter alia, temporary work in another district, hospitalization and school attendance.

Paragraphs 2 to 4

184. Everyone has the right to leave the country if the requirements of the rules on passports are fulfilled. Rules on the issuance of passports are contained in Law No. 18/1953 on Icelandic Passports and the supporting Regulation No. 169/1987 on Icelandic Passports. These rules will be outlined below.

185. Icelandic citizens shall have a passport when they leave and re-enter the country. Children under 15, however, may leave and re-enter the country without a passport if they accompany a parent, a foster parent or another close relative, and their name is written in the passport of the person involved.

186. Special rules apply to Icelanders' departure for and entry into Denmark, Finland, Norway and Sweden because, in those instances, there is no need of a passport or other travel identity papers. The same applies to citizens of those countries who travel to Iceland. References to aliens in the discussion below, therefore, do not include citizens of these countries unless specifically stated otherwise, since they enjoy special rights under multilateral agreements in effect between Nordic countries.

187. Chiefs of police issue passports to Icelanders who reside in the country and live in the district of the chief of police involved.

188. Article 2 of the Law on Icelandic Passports permits refusing to issue a passport to an Icelandic citizen or cancelling a passport that has already been issued under the following circumstances:

1. A criminal charge has been made against a person for a punishable offence that could merit imprisonment, and there are indications that he will try to evade his obligation by leaving the country or continuing to live abroad.

2. The person involved has been sentenced to a term of imprisonment that has not been served or has been sentenced to a fine or confiscation of property that has not been executed or secured, and there are indications that he will try to evade his obligation by leaving the country or continuing to live abroad.

3. His departure from the country would be a breach of provisions of law whose purpose is to ensure his presence in the country until he has fulfilled general public or private obligations incumbent on him (see para. 177 above).

189. A person who has been refused a passport or whose passport has been cancelled for the reasons explained above can refer his dispute on the validity of the procedure to a court.

190. In practice in Iceland it is almost unknown that someone is refused a passport or that a passport is cancelled. In those few instances that have come up in the past few years, the grounds have been under number 3 above, i.e. that someone is under a travel restriction due to investigation of a criminal matter (art. 110 of the Law on Criminal Procedure).

191. Procuring a passport under false pretences, procuring two or more passports or altering a passport that has been issued for an illegal purpose are punishable by fines, detention or imprisonment for up to six months.

192. Article 1 of Law No. 45/1965 on the Regulation of Aliens states that the Minister of Justice is authorized to determine by regulation that aliens who arrive in the country or depart from it shall have passports or other proof of identity. Rules about this have been incorporated in Regulation No. 148/1965. An alien who arrives in the country or departs from it shall have a passport issued by an authority empowered to issue passports, and the passport must be valid for travel to Iceland. More detailed requirements as to form and content of foreign passports are described in the regulation. The main rule is that an alien who arrives in the country has to have obtained a visa from the Icelandic embassy or consulate that is authorized to issue it. On the other hand, agreements have been made with a number of States, including most of the States of Western Europe and the United States, to abolish visas. All requests for visas to Icelandic embassies and consulates are forwarded to the Immigration Office in Iceland for approval.

193. In 1991, 2,242 visas were processed. One hundred aliens were refused a visa. Aliens requiring a visa may not stay in the country longer than stated in the visa, unless a special permit is given. Visas are denied for various reasons, for example, unsatisfactory identity papers, suspicion that a person is engaged in an unauthorized search for work or that he has been deported from another Nordic country (para. 1 (7) of art. 10 of the Law on the Regulation of Aliens that requires denying an alien entry into the country if he has been deported from Iceland or Denmark, Finland, Norway or Sweden, and he tries to re-enter without permission).

194. If an alien plans to stay for more than three months in the country he must apply to the Ministry of Justice for a residency permit, and if he plans to work he must apply to the Ministry of Social Affairs for a work permit (Law No. 26/1982 on Aliens' Right to Work). Both of these permits are applied for at the Immigration Office that issues them as an agent of the relevant ministry, and they must later be renewed regularly. Limitations on an alien's right to leave the country are no different from those for Icelandic citizens.

195. Residency permits issued to aliens in 1991 numbered 2,136. Of those, 1,053 were new permits and 1,083 renewals.

196. On 1 December 1991 there were altogether 5,395 aliens residing in Iceland. Of those, 1,674 were citizens of other Nordic countries. The number of aliens increased in the National Registry by 12.1 per cent from the previous year, and now amount to about 2 per cent of the population.

197. Finally, it should be noted that a draft law has been introduced to the Althing, a result of Iceland's becoming a party to the Agreement on the European Economic Area. It provides for various changes regarding the rights of aliens citizens of member States of EFTA and the European Economic Community. Thus, there will be expanded permission for aliens from these countries to stay and work in Iceland. It is expected that the Minister of Justice will formulate more rules on the implementation of rules in the Agreement on the European Economic Area on the freedom of movement of people. The rules will involve exemptions from visa requirements and from restrictions on permission to enter and reside in the country.

198. There is no authority in the law of Iceland for special or general restrictions on freedom to travel for reasons set forth in paragraph 3 of article 12 of the Covenant, other than those already described in the discussion of paragraphs 2 and 3 of the article. However, it should be stated that under article 83 of the Law on Criminal Procedure, one is permitted to cordon off a certain area or restrict people's travel in the area because of a criminal investigation.

199. Icelandic citizens always have a right to enter the country, and there is no instance of an Icelander being stripped of that right either through an arbitrary decision or otherwise. Although Icelandic law does not state this right directly, it is considered to be self-evident and no instance of this right having been questioned is known.

Article 13

200. Requirements for deporting an alien who has entered the country lawfully are described in Iceland's initial report (CCPR/C/10/Add.4, paras. 42 and 43). These conditions are listed in four clauses in Law No. 45/1965 on the Regulation of Aliens and have not been changed since the law came into effect. The Minister of Justice is authorized to deport aliens from the country:

1. If the alien could have been denied entry for reasons that are detailed in paragraph 1 of article 10, and those reasons still apply.

2. If he, by design or despite a warning by the police, repeatedly fails to comply with his obligations to register under the law.

3. If he breaks rules regarding a visa, residency permit or work permit or their conditions. The same applies if he obtained a permit with intentionally false information or by deceitfully concealing relevant facts.

4. If his continued stay in the country is deemed dangerous to the interests of the State or the public, or his continued presence is undesirable for other reasons.

201. As mentioned in paragraph 177 above, a draft law has been introduced in the Althing in order to change various laws relating to legal procedure, right to work and other matters because of Iceland's becoming a party to the Agreement on the European Economic Area. In the draft law there are many planned changes to the Law on the Regulation of Aliens that pertain to administrative handling of cases involving aliens. Among other things, the role of the Immigration Office will increase under the law, and it will become a special institution under the management of the chief of police in Reykjavik. The intent is to change the arrangement where the Minister of Justice decides matters involving aliens in various instances that are not reviewable at another administrative level under current legislation. Also under the draft law, the Immigration Office would decide issues involving aliens, but decisions can be appealed to the Minister of Justice who would review the decision.

202. According to the above description, the Immigration Office, and not the Minister of Justice, will decide whether an alien will be deported (cf. art. 11 of the Law on the Regulation of Aliens). However, there will be permission to appeal the decision to the Minister of Justice. There will be a duty to instruct an alien of this right when he is informed of a decision or judgement of deportation. To exercise this right, an alien shall give notice of his appeal before those rendering the decision within 15 days of his being informed of the decision or judgement. If the appeal is declared before the decision or judgement is executed by deportation, it will be postponed until the Minister's decision is handed down.

203. Deportations decided by the Minister of Justice under article 11 of the Law on the Regulation of Aliens have been relatively few in recent years:

Year	No. of deportations
1989	6
1990	2
1991	3
1992 (-Sept.)	3

In one of the 14 cases listed (in 1992), an alien was deported who had entered the country as a tourist, but then had taken up residence and worked for three years without requesting the required permits. In two instances (in 1989 and 1991), aliens entered the country under false pretences or with forged identity papers. In all the other cases, aliens were sentenced to penalties under the General Penal Code or for drug offences. All these deportations were on the same basis, i.e. paragraph 1 (4) of article 11, which states that an alien may be deported if his continued stay in the country is deemed dangerous to the interests of the State or the public, or his presence is undesirable for other reasons. The wording of this provision has been criticized for its breadth, especially the phrase "his presence is undesirable for other reasons". In applying it, on the other hand, care is exercised. Deportation in the above instances occurred variously at the conclusion of

serving a prison term, or just after a judgement for a criminal penalty. However, in the first three instances deportation occurred after the aliens' arrest.

204. Article 13 of the Law on the Regulation of Aliens allows for a court sentence to include a provision for deporting an alien found guilty of an offence regarded by the general public as disgraceful. This authority, on the other hand, has seldom, if ever, been invoked in criminal sentencing of aliens. Indeed, it seems problematic when an offence is, or is not, regarded by the general public as disgraceful. Instead, paragraph 1 (4) of article 11 has been applied (see above).

205. The Law on the Regulation of Aliens does not state directly that aliens may have an attorney when the alien's deportation is being decided. It is nearly unknown for an alien to request an attorney under these circumstances. In fact, the reason for deportation is nearly always undisputed. No alien in the above cases requested an attorney. If an alien requests an attorney under such circumstances, he will not be denied one.

206. Statistics or aliens' being refused entry into the country, i.e. at the airport in Keflavik and in ports around the country, are as follows:

Year	No. of aliens
1987	23
1988	32
1989	40
1990	40
1991	29

Common reasons for refusing entry were that lack of a residency permit or visa.

207. Thirty-seven refugees came to the country in 1991 and 34 in 1990. Thirty-seven asylum-seekers were granted residence permits for humanitarian reasons in 1991 and 7 in 1990.

Article 14

Paragraph 1

Organization of the Icelandic court system

208. It is a fundamental rule under Icelandic law that all people are equal before the courts. Although the rule is nowhere directly stated in law, it is one of the main pillars of legislation concerning court procedure and the court system in Iceland, and nowhere can an exception be found to this rule of equality.

209. The organization of the judiciary can only be established by law, according to article 59 of the Constitution. The administration of justice in a district is determined in Law No. 92/1989 on the Separation of Judicial and Executive Powers at the District level that took effect on 1 July 1992. There

are eight district courts, each having jurisdiction over a certain area of the country. They have jurisdiction over civil and criminal cases, issue decisions in bankruptcy cases and settlements of people's estates, resolve disputes arising during a district magistrate's work with execution actions. Judges resolve all disputes concerning the administrative position of higher authorities (art. 60 of the Constitution) and can disregard laws in their decisions if they deem them unconstitutional.

210. The Supreme Court is the court of appeal for the whole country, operating under Law No. 75/1973 on the Supreme Court of Iceland. District court cases that meet minimum requirements for interest in the case and the time-limits for appeal go to the Supreme Court.

211. Special courts in Iceland are as follows:

(a) The Court of Impeachment is a special court with a single level. It tries and adjudicates cases brought by the Althing against government Ministers for their conduct in office. This Court has never been convened;

(b) The Labour Court is a special court for the whole country that operates under Law No. 80/1938 on Labour Unions and Labour Disputes and Law No. 94/1986 on Labour Contracts of Public Employees. The Labour Court hears particular cases arising out of offences under labour law, disputes about labour agreements and other matters concerning workers and employers who have agreed to let the court hear offences under industrial laws, etc. The Labour Court's decisions on matters of substance are not appealable;

(c) The Maritime Court of Iceland is a special court for the whole country that operates under Law No. 51/1987 on Inspection of Vessels. Its main role is to decide whether ships shall be inspected, supervise inspection and decide whether ships shall be banned from sailing, and to hear criminal cases arising out of maritime accidents or offences against the Law on Inspection of Vessels. The Court's decisions are generally appealed to the Supreme Court.

212. There is a tendency to reduce the number of special courts in Iceland. In accord with that policy, the legal provisions for the Ecclesiastical Court and the Synodal Court were abolished on 1 July 1992. These courts were charged with hearing criminal cases for specified offences by bishops and ministers of the National Church of Iceland, but the courts had never been convened. A special court was also abolished that only heard cases involving addictive substances and illegal drug offences.

Procedures to ensure independence and impartiality of courts

213. Many provisions in the laws of Iceland are intended to ensure independence of judges from other branches of the Government and the impartiality of judges in individual cases, inter alia, through rules regarding disqualification that require a judge to disqualify himself from a case where circumstances tend to cast doubt on his impartiality.

214. With the changes to the country's judicial system taking effect on 1 July 1992, described above in the general introduction, the judicial and administrative branches were completely separated. A main objective of these changes was to make the courts as independent as possible and not dependent on the administrative branch. Besides judicial authority being transferred from the district magistrates to independent district courts, even stronger measures were taken to ensure independence and impartiality of judges.

215. Article 5 of the Law on the Separation of Judicial and Administrative Powers at the District Level states rules for the general qualifications and appointment of district judges. According to the provision, no one can be appointed as a district judge unless he fulfils the following requirements:

1. His mental stamina is sufficient for him to perform his duties.

2. He is at least 30 years old.

3. He is legally competent and has control of his own finances.

4. He has an unblemished reputation.

5. He is an Icelandic citizen.

6. He has completed a law degree at the University of Iceland or another university deemed valid according to law.

7. For three years, he has been, moreover, a member of the Althing, has worked entirely as a litigating attorney or had, as his major occupation, legal work with the national Government or a township. Time spent in each of these areas may be counted toward the whole time required.

216. The President of Iceland appoints district judges according to a recommendation by and on the responsibility of the Minister of Justice. In article 5 of the Law on the Separation of Judicial and Executive Powers at the District Level, a new provision directs the Minister of Justice to appoint a panel for a four-year term to review the qualifications of applicants for district judgeships. There are three people on the panel. The Supreme Court nominates one member who also serves as panel chairman. The Icelandic Judges' Association nominates one member from a group of district judges, and the Icelandic Bar Association nominates the third member from a group of practising members of the Bar. The panel issues a written review of the applicants, giving a reasoned opinion of the qualification of each applicant and stating which applicant the Committee deems best qualified to be a judge.

217. The panel's main purpose is to strengthen the independence of the courts and increase the general public's confidence that judges are independent from the administrative authority. Thus is an attempt made to ensure that only professional viewpoints underlie an appointment to a judgeship, and that the power of decision is not exclusively in the hands of the Minister of Justice. Although the panel's review is not explicitly binding on the Minister of Justice, he has followed the recommendation of the panel in all instances since its establishment.

218. Law No. 75/1973 on the Supreme Court of Iceland states rules regarding the qualification and appointment of a Supreme Court Justice. The same rules apply regarding general qualifications as were described for district judges, but in addition there are requirements that the applicant took a first class law degree, for at least three years has been a district judge, a Supreme Court advocate, the Supreme Court Registrar, a professor of law at the University of Iceland, a chief of police, a district magistrate, Director of Public Prosecutions or Deputy Director of Public Prosecutions, Secretary-General of a government ministry, director in the Ministry of Justice or Ombudsman. Before an appointment is made to the Supreme Court, the Supreme Court delivers its review of the candidate.

219. According to article 61 of the Constitution, judges in the performance of their official duties shall be guided solely by the law. Judges cannot be discharged from office except by a judicial decision, neither will they be transferred to another office against their will unless there is a reorganization of the judiciary.

220. Increased independence of judges through a new law of judicial procedure and organization of the courts is revealed in the new Law No. 19/1991 on the law on Criminal Procedure which contains many changes from the previous Law on Criminal Procedure of 1974. The new Law implements an accusatorial procedure that completely separates the prosecuting authority and the police from the courts. Investigation of criminal cases is now completely the responsibility of the prosecutor and the police, and a judge never has any initiative in the investigation, nor does he direct it. Court investigations have been abolished, and a judge's role during the investigation of a criminal matter is limited to deciding various disputes that can be submitted to him.

221. Another step toward ensuring a judge's impartiality in individual criminal matters is a new reason for disqualification that was not stated in the old law. A judge is now obligated to disqualify himself from a case after indictment if he has remanded the accused into custody because a strong suspicion exists that he committed an offence that could merit, under law, a prison term of 10 years or more. Various disputes arose under these circumstances when the older law was in effect. After a judgement of the European Court of Human Rights in a Danish case in 1989 removed any doubts that this situation was a breach of a judge's impartiality which article 6 of the European Convention on Human Rights is meant to ensure, Icelandic practice conformed to the same rule until it was codified in law.

Limitations on courts' authority to render judgements

222. Courts are authorized to render judgements on any matter subject to law unless it is not within their jurisdiction according to law, contract, custom or its nature. (Art. 24 of Law No. 91/1991 on Civil Procedure). Despite this rule and the provision in article 2 of the Constitution that judges shall exercise the judicial power, the legislature has been deemed authorized to delegate to government authorities power to render decisions on specified matters of dispute. In Icelandic law a few provisions are found, particularly in the areas of family and tax law, that delegate to government authorities tasks that by nature might be regarded as classically judicial, such as to

determine the rights and obligations of individuals. There are also provisions giving government authorities power to render final decisions in some categories of cases.

223. According to article 60 of the Constitution, judges, on the other hand, shall decide all disputes regarding the competence of government authorities. In judicial practice this provision has been interpreted as applying to any dispute as to whether government authorities have operated in accordance with the law. In recent decades Icelandic judicial practice has indisputably moved toward expanding the courts' authority to decide such matters. Thus, courts can adjudge whether a government decision is in a legitimate form, whether its substance is in accordance with law, whether the procedure has been observed in handling a matter, whether a government authority was competent to make a decision, etc. In case of such a defect in a government decision, courts can invalidate it and order a government authority to reconsider the case. In a landmark decision of 9 February 1982, the Supreme Court said that it was a main rule of Icelandic law that all matters were subject to judicial decision that were not expressly precluded from judicial jurisdiction (cf. arts. 2 and 60 of the Constitution) which deal with the relation between courts and government authorities.

224. There is a trend toward reducing the number of provisions in law that make a government authority's decision final. Law No. 20/1992 on Children, for example, abolished an older provision that made a decision by the Ministry of Justice on child support payments final. Also, parents can always submit a petition on child custody to judicial review even though they had previously chosen to let the Ministry of Justice decide the custody dispute. That the alterative was not available under the previous Law on Children had been criticized. A complaint on these grounds involving Iceland has been made to the European Commission on Human Rights but there has been no decision whether the Commission will consider the case now that the new Law on Children has taken effect.

Rules on free court actions

225. With rules on free court actions and free defence an attempt is made, inter alia, to foster people's right to bring cases before a court and to defend themselves in court without possible court costs becoming an obstacle to their seeking their rights in court. Paragraph 147 above discussed rules on free court actions for damages related to a person's unlawfully being deprived of his liberty (chap. XXI of the Law on Criminal Procedure regarding damages for an accused person, etc.).

226. Chapter XX of the Law on Civil Procedure discusses free court action and free defence in civil cases. (Hereafter the phrase "free court action" will be used for both concepts). Before the law took effect on 1 July 1992, a decision on a free court action was exclusively in the hands of the Minister of Justice. A new provision in article 125, on the other hand, requires the Minister of Justice to appoint a special panel of three lawyers, the Panel on Free Court Actions. The panel members have a four-year term and are charged with issuing opinions on applications for free court actions. One panel

member is nominated by the Icelandic Bar Association, another by the Icelandic Judges' Association. The Minister grants a free court action, but only if the Panel so recommends.

227. This manner of doing things has been a step towards only granting free court actions if professional reasons support doing so, and reducing the danger of discrimination between individuals in granting free court actions. The previous arrangement had been criticized for these reasons.

228. Requirements for a free court action appear in article 126 of the Law on Civil Procedure. A free court action will be granted only if the applicant's case provides sufficient grounds for bringing suit or conducting a defence and one of the two following conditions is also met:

(a) That the applicant's finances are such that the cost of protecting his interests in a court case would be foreseeably more than he could manage. In evaluating his finances, it is permitted, as appropriate, to consider the property or income of his spouse or the person he lives with, or the property and income of his parents if he is under 18;

(b) That the outcome of his case has general significance for the community or could be substantially meaningful for the occupation, social status or other private interests of the applicant.

229. Since the panel on Free Court Actions has only been working for a short time, there are as yet no meaningful statistics on the granting of free court actions.

Handling of judicial cases and publication of decisions

230. In Law No. 19/1991 on Criminal Procedure and Law No. 91/1991 on Civil Procedure, the main rule is stated that court sessions shall be open. Thus, mass media and others have open access to court sessions. However, it is not permitted to make tape recordings or take pictures during a court session, although a judge can make an exception to this restriction under special circumstances.

231. In article 8 of both laws on court procedure there is authority for a court session to be closed under special circumstances. Among these are all the conditions described in article 14 (1) of the Covenant. Similar authority to close court sessions was also contained in the previous laws on court procedure. This authority was, and is, applied very sparingly, and then particularly in criminal cases to shield a defendant and his close relatives or to shield witnesses or victims of offences, for example, in a case involving sexual offences.

232. Under paragraph 3 of article 115 of the Law on Civil Procedure a judicial decision shall be read aloud in a public court session. The law on Criminal Procedure does not state that a judgement shall be pronounced in public, but under paragraph 3 of article 133 a judgement is deemed published if the accused is present at the judgement's pronouncement. Otherwise, the judgement will be specially proclaimed to him.

233. Decisions of district courts are not printed or officially published, but the mass media, for example, can obtain copies of them from the relevant district court if they so request. All Supreme Court decisions are printed and published, and published there also are the district court decisions that have been appealed.

234. In specified categories of cases, inter alia, in sexual offences, cases of adultery, as well as if children are involved, for example, in custody disputes, the parties' names or, depending on circumstances, the names of the accused, victims or witnesses do not appear in judgements.

Paragraph 2

235. The rule in this provision does not appear explicitly in the Law on Criminal Procedure. Nevertheless, it is one of the most important fundamental rules that is followed in criminal court procedure in Iceland.

236. Article 45 of the Law on Criminal Procedure states that the burden of proof for the defendant's guilt and events that could be deemed unfavourable to him rests on the accusatorial authority. All doubt as to the defendant's guilt is, therefore, interpreted in his favour.

237. Article 46 states another fundamental rule followed in criminal court procedure on a judge's independent evaluation of proof. The article states that a judge should evaluate in every instance whether sufficient proof, which will not be contested by reasonable arguments, is established on every element regarding guilt and punishments for an offence, including what weight the following types of evidence carry as proof: a defendant's reports, testimony, an expert's opinions and research, documents and other visible evidence.

Paragraph 3

238 General rules on a criminal defendant and his status before the law, including his right to an advocate, are collected in chapter VI of the Law on Criminal Procedure, titled "Criminal Defendant and Defence Counsel". In the chapter there are many new provisions in comparison to the previous law that are very much in the direction of improving a criminal defendant's status in the legal system and his right to obtain an advocate. There are also clear rules on rights and obligations of a defence counsel, inter alia, clear authority to keep himself informed of a trial's progress and access to relevant information.

Subparagraph (a)

239. Paragraph 131 above described an arrested person's unconditional right to be informed of the reasons for his arrest. A criminal defendant must be provided information on charges against him before he is interrogated. A person interrogated during an investigation, when a case has become clear enough to do so, has a right to be informed whether he is being questioned as a criminal suspect or as a potential witness.

Subparagraph (b)

240. Under the Law on Criminal Procedure, there are three possibilities regarding a defendant's advocate:

1. A pre-trial defence advocate for an arrested person, appointed by those who are conducting the investigation;

2. A trial defence advocate appointed by a judge;

3. A spokesman whom the criminal defendant hires at his own expense.

241. Someone arrested because of a criminal investigation has a right to contact a lawyer or another spokesman immediately after arrest, and that person, as a rule, will be appointed pre-trial defence advocate for the period of arrest, if the criminal defendant so wishes, unless special circumstances dictate against doing so. The investigators have a duty to comply with the wishes of a criminal defendant that a pre-trial defence advocate be appointed for him if he has been arrested because of a criminal investigation. A criminal defendant is always informed of this right, and his advice on whom to appoint as pre-trial defence advocate is usually followed.

242. Upon being arrested, a criminal defendant also has a right to contact his nearest relatives, unless there is a special reason to believe that such contact will impede investigation of the case.

Subparagraph (c)

243. Paragraph 1 of article 133 of the Law on Criminal Procedure states that there shall be the swiftest possible handling of a case, that a judgement shall be rendered as quickly as possible and not longer than three weeks after a trial begins. If it is not possible to render a judgement so quickly, an explanation of the reasons for this shall be in the decision.

Subparagraph (d)

244. There is no authority in law for a criminal defendant to be present during interrogation of others in his case. The criminal defendant's advocate, on the other hand, is authorized to be present during the interrogation of others in a defendant's case if it is regarded to be without risk to the investigation. The advocate also receives as rapidly as possible copies of all documents relating to the case. It is not permitted, on the other hand, to turn over copies of documents to a criminal defendant or acquaint him with their contents unless a judge or investigator so agrees. This is the only exception to the main rule that a defence advocate has a right to speak in private with the defendant about everything relevant to the case.

245. A defence advocate has a right to keep himself as well informed on the progress of an investigation as possible, and an investigator shall consider the advocate's points on specific procedures of investigation unless they are deemed to be unauthorized or meaningless.

246. As described above in paragraph 241, there is a duty to comply with criminal defendant's wishes regarding the defence advocate appointed to him if he has been arrested because of a criminal investigation. A judge is also authorized before a trial begins to appoint a trial defence advocate according to a criminal defendant's wishes. A judge can also appoint a trial defence advocate for a defendant even though he has not requested one if he is especially dull-witted or obtuse, or there is doubt of his mental competence.

247. When a case goes before a court, a judge has a duty to comply with a criminal defendant's request to appoint a trial defence advocate in the following instances:

1. If a demand has been made that the defendant be remanded into custody;

2. If a criminal charge has been made against the defendant.

248. There is a duty to appoint a trial defence advocate for a criminal defendant during his trial, unless the defendant has previously chosen his own spokesman at his own expense or wishes to conduct his own defence, provided that he is competent to do so in the opinion of a judge.

249. Finally, a criminal defendant is authorized at any stage of a criminal case to employ at his own expense a spokesman to protect his rights and conduct his defence.

250. When there is a duty or right to appoint a trial defence advocate or pre-trial defence advocate for a defendant, a judge or an investigator shall call this right to the criminal defendant's attention. A criminal defendant also has the option of indicating whom he wants as a trial defence advocate. The defendant's wishes will usually be followed in appointing a trial defence advocate. A judge, however, can refuse to appoint the defence advocate requested if there seems reason to fear that he will unlawfully hinder investigation of the case.

251. Remuneration of an appointed defence counsel is determined in the court's decision if the case is concluded in that manner. Otherwise, it is determined in an entry in the court record. A judge decides the remuneration of a trial defence advocate and a pre-trial defence advocate at the same time if the defendant's appointed pre-trial defence advocate is later appointed as his trial defence advocate. Otherwise, a chief of police shall determine a pre-trial defence advocate's remuneration. Payment to a pre-trial defence advocate and a trial defence advocate is made from the State Treasury and is regarded as a cost of criminal procedure. Only if the accused is found guilty of the charge or charges against him will he be sentenced to pay the costs of criminal procedure. If he is found guilty of some charges, but acquitted of others, a judge can sentence him to pay a certain proportion of the costs of criminal procedure, but the balance of the costs is paid out of the State Treasury. If the accused is absolved of a demand for punishment or a criminal case against him is discontinued, he will not be sentenced to pay costs of criminal procedure, unless he has been a cause of the costs through deliberate and grossly unlawful conduct during the investigation or handling of the case.

Subparagraph (e)

252. While police are investigating a case, reports are usually taken from a witness without the accused being present. A criminal defendant's advocate, on the other hand, can always be present at the interrogation of others for the criminal defendant's case if the advocate's presence is regarded to be without risk to investigation of the case. A defence advocate can then direct an interrogator to ask the person being questioned about specific points. Finally, a defence advocate can demand that a remark on the conduct of the interrogation be made part of the record at the conclusion of the interrogation.

253. During the court proceeding of a criminal trial, the defendant is present during testimony by witnesses. A judge, however, can decide to remove the defendant from the courtroom while a witness is testifying, if a demand to do so is made and a judge believes that the defendant's presence will be especially discomfiting for the witness or affect his testimony.

254. A witness will be called before a court according to the demands of a prosecutor and a defendant (or his trial defence advocate). A judge, however, has the right to refuse to allow a prosecutor or a defendant to call a witness if that evidence is demonstrably unnecessary to illumination of the case. A witness's testimony in court proceeds, for the most part, by a judge asking a witness questions that the prosecutor and defence advocate have requested to be asked, but a judge can also allow the prosecutor and defence advocate to question a witness directly. Each witness is interrogated separately, but a judge can decide to interrogate a witness with a defendant or someone else where there is inconsistency.

Subparagraph (f)

255. If a defendant who testifies in court is not sufficiently fluent in Icelandic, a certified court interpreter shall be called to provide assistance, unless the judge believes he himself is capable of speaking with the defendant in another language. Paragraph 1 of article 13 of the Law on Criminal Procedure states that this rule also applies when a report is taken during investigation of a case.

256. An interpreter will be called especially when aliens are involved, but the rule also applies if another kind of difficulty in self-expression comes up, for example, if the defendant is mute or deaf. Costs for an interpreter are paid out of the State Treasury.

257. On the other hand, under the previous Law on Criminal Procedure that was in effect until 1 July 1992, the remuneration for an interpreter was considered a cost of criminal procedure, and therefore the outcome could have been that a defendant would bear the cost. That outcome, however, was deemed in conflict with paragraph 3 (e) of article 6 of the European Convention on Human Rights which is identical to this provision of the Covenant. This issue was addressed in a Supreme Court decision of 6 February 1992 and, taking into account the aforementioned provision, it was decided that costs for an interpreter during proceedings in a district court and the Supreme Court should be paid out of the State Treasury.

Subparagraph (g)

258. Under paragraph 3 of article 32 of the Law on Criminal Procedure, it is a rule from which no exemption can be made that at all stages of a criminal investigation a defendant has no obligation to answer questions relevant to the punishable conduct with which he is charged. The interrogator must advise the defendant unambiguously of this right when there are occasions to do so. Article 51 states that a person is not obligated to answer a question as part of his responsibility as a witness if an answer might include admission or an indiction that he or his relative has committed a punishable act.

Paragraph 4

259. There is no general definition in Icelandic law of where the demarcation in age is between children, youths or juveniles. Rather, various age ranges from 15 to 18 are used depending on which law is involved.

260. Under the General Penal Code, a person will not be punished for acts he committed before becoming 15, and special considerations apply when determining punishment for youths aged 15 to 18. Age, inter alia, is considered when punishment is decided and a youth under 18 will never be sentenced to more than eight years of imprisonment.

261. The term "children" in Law No. 58/1992 on the Protection of Children and Youths means individuals under 16, and "youths" are individuals aged 16 to 18.

262. There are various special rules in the Law on Criminal Procedure when youths are involved, both during an investigation of a case before a formal charge is made and during a court's hearing of a case. If an accused person under 16 is interrogated, notice shall be given to a child welfare committee that can send its representative to the interrogation (para. 4, art. 69). A judge has authority to decide that court sessions will be closed if the defendant is under 18. An unwritten rule is ordinarily followed in a criminal investigation that a demand for detention is not made for youths under 16.

263. Child welfare committees are involved in various ways with youths who have become involved in crime. Among other things, an attempt is made to provide special assistance to them to help with their rehabilitation through interviews, consultation, residence in institutions for maladjusted youths or with other available support procedures (para. 1, art. 22 of the Law on the Protection of Children and Youths).

Paragraph 5

264. Rules on appeal of criminal cases are found in chapter XVIII of the Law on Criminal Procedure. A defendant who has been found guilty in a criminal case can appeal the decision to the Supreme Court. The one exception to this main rule is if a case has been tried with the defendant in absentia.

265. Article 126 of the Law on Criminal Procedure states the requirements for a defendant's being tried in absentia: a summons has been lawfully published giving the defendant notice that a case could be tried in his absence if he does not appear. Offences may not merit graver punishments than a fine,

confiscation of property or deprivation of rights unless the accused has previously come before the court and unambiguously admitted all the behaviour of which he is accused, and then a punishment no more severe than six months' imprisonment will be imposed. Instead of the defendant's being able to appeal a case where he has been sentenced in absentia, he can demand that the case be reopened for a new trial in a district court if he proves that his inability to be present was lawful or that the summons did not reach him. After the case has been retried after such a reopening, it can be appealed according to the general rules. If special reasons so dictate, the Supreme Court can, however, allow that a case tried in a defendant's absence be appealed without first having to reopen it in a district court.

266. No substantial limitations exist on what criminal cases may be appealed to the Supreme Court. Thus, there are no conditions set such as a minimal amount of fine or type of offence. A defendant can appeal a case in toto such that the following points will all be re-examined:

(a) Evaluation of guilt, i.e. whether he is guilty of the conduct of which he is accused;

(b) Characterization of an offence vis à vis a penal provision;

(c) Determination of penalties.

A defendant can also appeal solely those parts of the case that pertain to characterization of an offence and determination of penalties.

267. A defendant has up to four weeks from the time he was notified of his sentence to appeal a case. If he does not make an appeal within that time, it is deemed that he wishes to obey the sentence.

268. Criminal cases that are appealed to the Supreme Court are given priority on the Court's calendar. Criminal cases, therefore, are usually heard before civil cases that are ahead of them, and are tried as soon as they reach the Court. This rule is not in any law, but the Supreme Court has followed it for a long time. This arrangement is also in accord with paragraph 1 of article 133 of the Law on Criminal Procedure which states that criminal cases shall be handled as swiftly as possible.

Paragraph 6

269. A rule in article 177 of the Law on Criminal Procedure is in accord with this provision of the Covenant. The article states that if it becomes clear that someone innocent has been sentenced to punishment or has endured punishment or confiscation of property, then he must be adjudged damages for moral and financial injury, including damages for loss of position and employment. However, the amount of damages awarded may be decreased according to the extent to which a defendant is responsible for his having been wrongly sentenced. This authority also existed in the previous Law on Criminal Procedure, but a demand for damages on this basis has never been made in an Icelandic court. If someone innocent were sentenced to punishment, it would be possible to apply to the authorities to reopen the case. This will be described in more detail under the discussion of paragraph 7.

Paragraph 7

270. Article 138 of the Law on Criminal Procedure states the main rule that a demand on whose substance a court has ruled will not be resubmitted to the same or a comparable court and if, in a new case, the demand appears, it shall be dismissed from court. In some instances, however, it is possible to reopen a case that has been tried by a district court without an appeal or by the Supreme Court, and those instances are described in Iceland's initial report (CCPR/C/10/Add.4, para. 49). There seemed no reason to change provisions in the previous Law on Criminal Procedure on reopening criminal cases (chap. XXII of the current law).

271. There are two recent (1989 and 1990) Supreme Court decisions where authority to reopen tried criminal cases was exercised. In the first instance, someone had wrongly confessed to driving while under the influence of alcohol and was, therefore, ruled innocent. In the second instance, new information on the defendant's mental maturity occasioned a reopening of his case. No instance is known in judicial practice where someone has been acquitted by a judgement and a case reopened because he later confessed his guilt or because new information came to light that unambiguously indicated his guilt. Authority for doing so, however, exists in article 185 of the Law on Criminal Procedure.

Article 15

272. Icelandic law is in accord with this article of the Covenant (cf. art. 2 of the General Penal Code and CCPR/C/10/Add.4, paras. 50-51). It is a fundamental principle of Icelandic law that criminal law can never be applied retroactively (cf. also art. 7 of the European Convention on Human Rights).

273. Under special circumstances someone will be sentenced to punishment under a criminal law in effect when the offence was committed even though the provision for punishment has been abolished when the sentence is passed, if the reasons for the abolishment do not mean that legislature has changed its opinion on the act's meriting punishment. Examples include the abolishment of punishment provisions of a special law to protect against contamination because the danger of contamination no longer exists, goods that were subject to duties are no longer subject to them, etc. Abolishment of such laws does not mean that the legislature intends the offences no longer to be punishable.

Article 16

274. Everyone in Iceland is recognized as a person before the law i.e. as enjoying legal rights. No individual can be without rights before the law. It is, therefore, not possible to relinquish one's rights or to deprive someone of his rights, whether by judicial decision or in some other manner. Nothing can justify an exception to this fundamental principle. All individuals can thus have rights or obligations before the country's law and be parties to court cases under the law of Iceland (art. 16 of the Law on Civil Procedure).

275. A person has rights before the law from the moment of his birth as a living child. This rule applies even though a newborn baby lives only a short time; thus the child, for example, can inherit.

276. Although a foetus does not enjoy legal rights under Icelandic law, there are a few instances where it has been reserved or stipulated a right if it was born alive. A testator's or intestate's child conceived, but unborn, when the testator or intestate dies, has, for example, a right to inheritance of the estate when it is born, if it is born alive (art. 21 of Law No. 8/1962 on Inheritance) and has a right to compensation from Social Security even though it is born after its father dies.

277. The life of a foetus enjoys special protection under the law. Under article 216 of the General Penal Code abortion is punishable, although it can be authorized for social and medical reasons.

278. A person's legal rights end with his death. Therewith end the rights that a person alone can enjoy, such as eligibility to vote, stand for election and hold office, most employment rights, personal rights and family rights, but his financial rights are passed to others. Under Law No. 15/1991 on the Determination of Death, someone is deemed to be dead when all activity in his brain ceases, and there is no means for the brain to resume functioning.

279. A person's reputation is extended protection under penal law after his death, because under article 240 of the General Penal Code defaming a deceased man's reputation can merit fines or detention.

Article 17

280. Article 66 of the Constitution contains the rule on the inviolability of the home. (See CCPR/C/10/Add. 4, paras. 9 and 54 on the substance of the provision). The rule is also contained in article 8 of the European Convention on Human Rights.

281. The inviolability of the home and of people's privacy and personal reputation is extended special protection under penal law. Chapter XXV of the General Penal Code deals solely with offences of this type and the punishments laid down for them. One can mention, inter alia, offences such as snooping in letters and other documents pertaining to people's private affairs, revealing another person's private affairs in public, barging into a house without authority, disturbing another person's peace by harassing him with letters, phone calls or by other means or defaming another person's reputation through insult in words or actions.

282. It is a requirement without exception that a judicial decision or explicit authority in law is needed to depart from the main rule on the inviolability of the home or a person's privacy. There is, on the other hand, no authority for departing from protection under penal law of a person's reputation.

283. A few provisions of law pertain to departures from the rule on the inviolability of the home and privacy under Icelandic law, particularly because of the requirements of an investigation under the Law on Criminal

Procedure. In those instances, a judicial decision is always required except under special, exceptional circumstances related to searches that will be described below.

284. Article 89 of the Law on Criminal Procedure permits search of a defendant's houses, storage places, containers for storage, ships and other vehicles in order to arrest him, investigate the indications of an offence or find things or information that must be taken into custody. It is also permitted to search premises other than the defendant's when an offence has been committed there or a suspect has been arrested there, as well as if there is good reason to believe that a defendant is staying there, or that things or documents can be found there that must be taken into custody. An exception to the rule that a judicial decision is required for a search is if the person involved agrees to the search. A search is also permitted without a judicial decision if there is an urgent risk that waiting for a decision will damage the case, and if a person is sought who shall be arrested if he is being chased or there is a risk he will escape if a decision is awaited. Finally, a search is permitted without a judicial decision in buildings that are open to the public and in houses that disreputable people and criminals frequent, if there seems to be a need.

285. A suspect himself may be searched if it appears necessary to take from him information or things that must be confiscated (art. 92). There is also authority to conduct a search if, after obtaining a doctor's opinion, it is suspected that someone is concealing things or substances internally that must be taken into custody. It is permitted, then, to take blood and urine samples from the suspect and conduct other bodily investigations in pursuit of an investigation that will be done without harm to the suspect. Finally, it is permitted to fingerprint and photograph a suspect for the sake of an investigation. Persons other than a suspect may be searched if there is a reason to suspect that they are carrying information or things that should be taken into custody. Exceptions from the requirement of a search warrant in these instances are if a suspect grants permission for a search and if an urgent risk exists that waiting for a decision will damage the case.

286. It is permitted to search a prisoner serving a prison term and take urine and blood samples from him without a judicial decision if certain conditions are fulfilled as stated in Law No. 48/1988 on Prisons and Imprisonment. A search involving disrobing, however, shall always be conducted by an employee of the same sex as the prisoner.

287. Article 94 deals with conduct of a search as follows:

1. Police supervise a search.

2. The person in charge of a house or place where a search is conducted shall be informed of the authority for the search and given an opportunity to be present during the search, if possible. If he is absent, the persons at home shall be summoned. They may be removed from the place being searched if they disturb or hinder the search.

3. During a search care and protection in conformity with the search's objectives will be observed. A search at night shall not be done unless there is a very urgent need and a serious crime. A search involving disrobing shall be done by a person of the same sex as the person searched.

4. An internal search, the taking of a blood sample and other corresponding procedures shall be performed by a doctor or registered nurse.

288. A few special provisions on search and access to information without a judicial decision exist in other laws, including the Law on Customs, the Tax Law, the Law on Execution of Judgements, the Law on the Recording and Handling of Personal Information and the Law on Alcohol. In addition, there are special provisions on search under a judicial decision in the Law on Bankruptcy and Other Matters. These authorities pertain to very limited instances in this area.

289. Article 89 of the Law on Criminal Procedure contains authority to confiscate letters, telegrams and other items sent in the care of the postal service, on the condition that the confiscation is done because of an investigation of an offence that can merit a graver punishment than a fine. Investigation of the contents of such items sent, however, can be conducted only according to a judge's decision.

290. Upon very strict requirements being fulfilled, it is possible to demand a judicial decision for tapping of telephones, for officials' delivery of information about telephone conversations or use of other remote-controlled equipment, and tape recording and photographing of persons without their knowledge (arts. 86 and 87 of Law on Criminal Procedure). A judge's decision, however, is not required if the person involved consents to the procedures.

291. Authority in a judicial decision for the aforementioned procedures is always limited to a certain time, and it is precisely stated what telephone or remote-controlled equipment is involved. Recordings of telephone calls, sound recordings, pictures or other information gathered in this manner shall be destroyed as soon as they are no longer needed. When a procedure is completed, the judicial decision for it shall be made known to the subject of the procedure as quickly as is permitted.

292. Complaints against judicial warrants for search and seizure that have been described can be submitted to the Supreme Court. A complaint, however, will not postpone the conduct of a case.

293. Some special rules apply to the above if prisoners are involved. Although prisoners in detention generally may send and receive letters and other documents while in detention, the person in charge of an investigation can have contents of letters and other documents checked, but their sender shall be made aware if such letters are seized (para. 1 (d) of art. 108). There is authority for investigating letters to and from prisoners serving terms of imprisonment, under Law No. 48/1988, if there seems reason to do so

unless letters to and from government authorities or prisoners' attorneys are involved. There is authority for listening to a prisoner's telephone conversations, but that shall be done only with his knowledge.

294. There are detailed rules on the recording of personal information in Law No. 121/1989 on the Recording and Handling of Personal Information. Iceland is a party to the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data of 28 January 1981.

295. The Law on the Recording and Handling of Personal Information applies to any kind of systematic registration and other treatment of personal information, and it applies whether registration is processed automatically or done by hand. In the law there are, inter alia, codified rules on a person's right to have access to personal information about himself. If a dispute arises about that access and about things that are recorded, the dispute can be submitted to the Data Protection Committee.

296. A special committee, the Data Protection Committee, supervises implementation of the law. The Minister of Justice appoints the Committee for a term of four years. The Committee, therefore, supervises how data files are established and that files are used in the manner prescribed by the law. The Committee issues work permits, authority or agreement for special operations and takes decisions concerning disputes that may arise. The Committee's remedies cannot be submitted for review to higher offices. Since the Committee began its work in 1982, matters submitted to it have steadily increased in number and are approaching 200 each year. Most matters submitted to the Committee pertain to public health, especially granting permission related to public health research projects and surveys and access to specific files that they require.

297. Offences against the Law on the Recording and Handling of Personal Information merit fines or imprisonment for up to three years. Legal entities can be fined the same as individuals.

298. Special rules apply to doctors' obligations to turn over medical records to a patient. Rules about patients' access to medical records were liberalized by Law No. 50/1990 since the previous arrangements, under which patients had only limited access to their medical records, had been criticized. Under the current law, medical records are deemed to be the property of the health institution where they are maintained or the doctor who maintains them. A doctor has the duty to provide a patient or his representative a copy of all or a part of his medical records. The same holds true of government parties that are lawfully investigating a patient's or his representative's complaint about medical treatment.

Article 18

299. Freedom of belief prevails in Iceland. It is protected by the Constitution (arts. 63 and 64) and those articles are in accord with article 18 of the Covenant (see CCPR/C/10/Add.4, para. 8, on the substance of these provisions). The rule is also set forth in article 9 of the European Convention on Human Rights.

300. Under Article 62 of the Constitution, the National Church of Iceland is the Evangelical Lutheran Church and as such shall receive the support and protection of the State.

301. Under Law No. 18/1975 on Religious Associations, people have a right to establish religious associations and each person is free to practise his religion and serve God, by himself or in association with others, in the way most appropriate to his convictions. It is not, however, permitted to teach or perpetrate anything against sound morals or public order.

302. No one has an obligation to belong to a religious association in Iceland. People determine for themselves, after they reach 16, whether they belong to a religious association and, if so, which one. Joining and membership in as well as leaving a religious association shall be through an appropriate minister or person responsible. The National Register maintains a record of what religious association a person belongs to or whether he belongs to no religious association. It is not possible to be listed as a member of more than one religious association at a time.

303. It is permitted to found religious associations outside the National Church of Iceland without any obligation to give notice to government authorities of its establishment or operation. It is possible to seek registration of religious associations outside the National Church. Through registration religious associations obtain rights and obligations that are stated in more detail in the law.

304. Registration of those belongings to religious associations and of those belonging to none in 1990 and 1991 is as follows:

	1990	1991
National Church of Iceland (Evangelical Lutheran)	236 959	239 321
Free Lutheran Congregation	8 212	8 122
Roman Catholic Church	2 396	2 582
Seventh Day Adventists	669	771
Pentecostal Church	898	1 012
Plymouth Brethren Congregation	50	54
Jehovah's Witnesses	517	517
Bahai	378	364
Old Nordic Gods Association	98	112
The Cross (Pentecostal)	242	289
The Church of Jesus Christ of the Latter Day Saints	161	166
The Way (Charismatic Congregation)	297	489
Other	1 505	2 253
No affiliation	3 373	3 529

305. Religious beliefs are protected by penal law without regard to what religious association is involved. Article 125 of the General Penal Code states that anyone who publicly ridicules or belittles religious teachings or worship by a lawful religious association shall be subject to fines or detention.

306. Parishes of the National Church, registered religious associations and the University Fund have a right to a specific percentage of taxes on income under Law No. 91/1987 on Church Tax and Other Matters. No one is obligated to pay fees to another religious association than his own. If someone is not a member of any registered religious association, the portion of his income taxes is paid to the University of Iceland.

307. Parents of a child under 16 can jointly determine their child's enrolment in a religious association or his disenrolment from such an association. The parent who has sole custody for his or her child can make such a decision. After becoming 16, a child can decide such matters for himself.

308. Provisions on religious education in basic schools are found in Law No. 49/1991 on Basic Schools. Paragraph 2 of article 42 states, inter alia, that the Ministry of Education issues a core curriculum to Basic Schools that lays down in more detail the role of the school in bringing up children and the main policy regarding educational theory and the organization of teaching: among other things, there shall be provisions on teaching about Christianity and its customs as well as teaching about other major religious beliefs. The core curriculum for basic schools in Iceland for 1989 states, inter alia: "It is important to show sensitivity when discussing matters and attitudes connected with homes, for example, habits of consumption and way of life. This pertains especially to religious beliefs and general outlooks on life. In consideration of the special status of these matters, especially regarding religious belief, it is permitted to grant individual students exemption from certain parts of the basic school curriculum." In special sections of the curriculum on the teaching of Christianity, ethics, and other religions, the policy is stated that in basic school teaching on these subjects, the intent is to provide knowledge and understanding of various religious beliefs and attitudes toward life and how they are manifested in religious practice and daily life. The instruction ought to assist students in dealing with and respecting people with other beliefs and general outlooks. The main focus should be on the world's major religions and other contemporary attitudes toward life. Emphasis shall be placed on the difference between them and Christianity. The instruction should be objective and comprehensive, and, where possible, it is desirable to have individuals with different religions discuss their attitudes toward life.

309. Matters of dispute regarding a constitutional right of religious freedom are very rare in Icelandic judicial practice.

Article 19

310. People's right to hold their own opinions without restriction is not explicitly stated in human rights provisions of the Constitution since the right is regarded as self-evident and unabridgable. There is no authority in Icelandic law to restrict this right and no reasons would justify such an abridgment that, indeed, is deemed to be impossible to implement.

311. A person's right to express his thoughts in print is guaranteed by article 72 of the Constitution, although he must be responsible for them before the courts. It is never permitted to legislate censorship and other

hindrances to freedom of the press under that provision. Provisions on freedom of expression are found in article 10 of the European Convention on Human Rights.

312. Icelandic law has no limitations on a person's right to have access to mass media or printed matter to exchange his opinions with others with the exception, however, of provisions relating to prisoners. As a rule, they are permitted access to daily newspapers and books as well as radio; however, someone conducting an investigation can limit prisoners' access to mass media if it is necessary for the sake of the investigation (art. 108, para. 1 (e) of the Law on Criminal Procedure).

313. In Law No. 57/1956 on the Right of Publication, various requirements are stated for publishing, without their being deemed, however, restrictions within the meaning of article 72 of the Constitution. Among other things, there is a requirement that a publisher of a work that is printed in the country identify himself on each copy of the work, and the same goes for the printer of the work. A publisher of a newspaper or magazine that is published in the country has to be an Icelandic citizen unless he has had his legal residence in the country for at least one year. There is a draft law before the Althing on changes to various laws because of Iceland's being a party to the Agreement on the European Economic Area. There are plans there to expand permission for aliens to publish in the country such that legal residence is sufficient. Each Icelandic citizen or legal person is permitted, by himself or with assistance from others, to sell or distribute a work in another way. There are plans to abolish requirements for citizenship in the previously mentioned draft law. A special rule in Law No. 62/1978 bans foreign embassies from publishing newspapers.

314. There are no limitations on the import of foreign matter into the country, and that applies equally to books, magazines, and newspapers. Rules on distribution of foreign works are the same as for Icelandic materials. Thousands of foreign books are imported each year without any limitations. Close to 1,000 foreign magazines are imported regularly. Besides approximately 10 daily newspapers from the Nordic countries, there are at least 18 foreign dailies sent to the country each day and distributed to subscribers and sales agents. They are from the following countries:

France	5
Germany	4
Italy	4
Spain	1
United Kingdom	1
United States of America	3

315. Article 6 of the Law on the Right of Publication states that as soon as a work of six or fewer sections is published, those who do the printing are obligated to deliver to the chief of police in the district one copy of the work, and if the chief of police sees a reason for doing so, he can demand delivery of a copy of a larger work. This provision is, in fact, obsolete and has not been observed for decades.

316. Article 210 of the General Penal Code forbids the publication and distribution of pornography. If pornography is published in print, the one responsible for the publication shall be subject, according to Law on the Right of Publication, to fines, detention or imprisonment for up to six months. The same punishment applies to producing or importing for distribution or distributing in another way pornographic writings, pornographic pictures or other similar things or having them on public display as well as promoting a public lecture or play that is unethical in the same way.

317. It is possible to make a work subject to confiscation with a judicial decision if the general requirements of article 69 of the General Penal Code on confiscation of property are fulfilled. A judicial decision is necessary if a seizure of printed matter is required to prepare for its confiscation under article 80 of the General Penal Code.

318. Article 22 of Law No. 48/1988 on Prisons and Imprisonment states a rule authorizing confiscation of a manuscript or other material that a prisoner has written in prison. The rule applies if the manuscript or other written material contains information about other prisoners that ought not to be known to everyone, are disreputable or other reasons dictate against the material leaving the prison. There may be doubt about whether this provision verges on violating freedom of expression. It has never been applied in an Icelandic prison and, therefore, the issue has never been tested.

319. Until 1985, the State had a monopoly on the operation of television and radio. Various disputes arose about that monopoly, among other things whether this arrangement violated article 72 of the Constitution. With Law No. 68/1985 on Broadcasting, the State's monopoly in this area was repealed. Now there is one television station besides the Icelandic National Broadcasting Service and nearly 10 radio stations operated in the country. To found and operate a radio or television station in Iceland, one must apply for a licence to the Broadcast Licensing Committee that operates under the Law on Broadcasting. This is in accord with paragraph 1 of Article 10 of the European Convention on Human Rights which provides that a State is authorized to demand that broadcasting, television and cinema enterprises not be operated except with a special licence. The Broadcast Licensing Committee consists of seven persons who are chosen by proportional vote in the Althing for a four-year term. It is permitted to advertise on radio and television as in print media; however, there is a general ban on advertising of alcohol and tobacco.

320. The Icelandic Board of Film Classification operates under Law No. 58/1992 on the Protection of Children and Youths and Law No. 33/1983 on Banning Violence in Movies and Regulation No. 614/1991 on its activities. The Minister of Education nominates six persons to the Board for five-year terms according to proposals received from the Icelandic Child Welfare Council. The Board evaluates whether films can damage the morals and psyche of children and decides, inter alia, whether and what age limits should be put on a film. It is forbidden to produce, show or distribute in the country violent films, meaning films that especially strive to show any kind of abuse of people or animals or brutal ways of killing. If there is a grossly violent film, the Board will ban its distribution. That decision cannot be challenged within

the government administration. If the Board believes that a film violates a provision in the General Penal Code against pornography, it so notifies the Director of Public Prosecutions who evaluates whether there is reason to petition a court for authorization to confiscate a film or video. Of approximately 9,000 films that the Board has reviewed and listed, 132 have been banned. A few of them, however, have been distributed in a milder or edited form.

321. Article 91 of the General Penal Code makes it a criminal offence to make public secret agreements, plans or resolutions of the State about a matter on which the welfare of the State or rights vis-à-vis other States depend on secrecy, or which have important international financial or trade implications for the Icelandic nation. Previously mentioned limitations on freedom of expression are based especially on considerations of public interest.

322. Other limitations on freedom of expression that can be found in Icelandic law are based primarily on considerations about the protection of personal reputation. People's honour enjoys protection under the General Penal Code as was described in paragraph 382 in the discussion of article 17 of the Covenant. One who believes his honour to have been slighted in published printed matter or by statements on radio or television can file a suit for libel in courts and demand punishment as well as retraction of statements and damages for moral injury.

323. It is possible to demand, on these grounds, an injunction against publication or distribution of a work if it is possible to show, for example, that a person's honour is at risk. Strict demands are made that the petitioner for an injunction demonstrate such risk.

324. Article 108 of the General Penal Code contains a special provision for punishment to protect the honour of public employees. Under this provision, it is an offence meriting fines, detention or imprisonment for up to three years to use invective, other verbal insults or actions or insinuations disparaging of the honour of a public employee who is performing his duties, either to the employee himself or to others about him. This provision has been somewhat controversial in Icelandic law in recent years.

325. On 25 July 1992 the European Court of Human Rights ruled on a case involving Iceland for the first time. The basis of the charge was principally that the right to freedom of expression had been violated in that an Icelander had been sentenced to pay a fine in a criminal case brought for statements in a newspaper article on acts of violence by the Icelandic police. The Court agreed that the Supreme Court had gone too far in its interpretation of article 108 of the General Penal Code, thus violating article 10 of the European Convention on Human Rights. However, the decision did not state absolutely that the provision's wording was in conflict with article 10 of the Convention. A committee, appointed by the Minister of Justice of make proposals on whether Iceland shall give the provisions of the European Convention the force of law, should evaluate, inter alia, whether there is reason to amend the previously mentioned article 108 because of this decision.

Article 20

326. Concerning paragraph 1 of this article, it was stated in Iceland's previous report (CCPR/C/10/Add.4, paras. 58 and 59), inter alia, that such a prohibition of propaganda would be deemed a violation of the constitutionally protected right to freedom of expression. Iceland's reservation regarding this provision of the Covenant is unchanged. There seems to be no reason to enact such a prohibition against war propaganda.

327. Various provisions in chapters X and XI of the General Penal Code that address treason and offences against the order of the State and the highest government authorities would likely cover such propaganda if it occurred. Those chapter, inter alia, authorize a heavy sentence of imprisonment for inciting rebellion to change the Constitution and being guilty of an act supporting that objective and for attempting through violence, threat of iolence or other coercion, to bring the Icelandic State or a part thereof under the control of a foreign power, The same applies if someone contacts the Government of a foreign State to foment hostile acts or war with the Icelandic State or its allies.

328. It can hardly be possible to discuss inciting Iceland to war or other military involvement with other States, considering that Iceland has no military.

329. The General Penal Code (art. 233 (a)) provides for fines, detention and up to two years of imprisonment for publicly attacking a group of persons with mockery, slander, insult, threat or in some other means on the grounds of its nationality, colour, race or religion. This provision was added to the General Penal Code in 1973, but is has never been tested in a criminal case.

Article 21

330. People's right to assemble peacefully is protected by article 74 of the Constitution (cf. art. 11 of the European Convention on Human Rights). A prohibition is also stated there against people assembling outdoors when there is reason to fear rioting could result.

331. The right to assemble is protected under article 122 of the General Penal Code which provides for fines, detention or imprisonment for up to two years for hindering a lawful meeting from being held and for employing overbearing or threatening behaviour for this purpose. It can also be punishable if a lawfully announced meeting on public issues is disturbed by a noisy commotion or bullying.

332. Under Icelandic law it is a right of each chief of police to set opening and closing times for restaurants in his district and to make rules on when celebrations and other gatherings are to be held.

333. No limitations are placed on holding peaceful outdoor meetings as long as they do not cause annoyance or disturb nighttime quiet. Notice must be given to the chief of police of planned marches and outdoor meetings so that appropriate arrangements can be made regarding traffic control, but a special permit is not necessary.

334. There are no examples in the last decades of the police having prevented outdoor gatherings from being held or of gatherings being broken up by police. Police are permitted to be present at such outdoor gatherings as is set forth in article 74 of the Constitution.

335. Article 97 of the Law on Criminal Procedure sets out rules on the police's response if a riot occurs at a gathering that results in bodily injuries or substantial property damage or a danger of such, as well as if disturbances result in death. Then, there is authority to arrest anyone nearby whom there is reason to suspect of punishable participation in the offence. It is punishable to incite a riot as well as to fail to comply with police orders to a crowd to disperse under these circumstances.

Article 22

336. People's right to establish associations is protected under article 73 of the Constitution (cf. art. 11 of the European Convention on Human Rights). Thus, it is permitted to establish associations for any lawful purpose without having to ask permission. This right is not under any restriction based on race, age or nationality. Iceland is a party to the European Social Charter of 18 October 1961 and ILO Convention No. 87 of 9 July 1948 concerning Freedom of Association and Protection of the Right to Organise.

337. Different rules apply under Icelandic law to registration of associations and giving notice to government authorities of an association's founding, depending on what association is involved and what the association's activities are. In some instances, registration of the association is a condition of its being permitted to operate and obtain status as a legal entity. Examples are Law No. 32/1978 on Corporations and Law No. 22/1991 on Cooperatives which set forth various requirements on registration of associations and other requirements as a prerequisite for their being allowed to operate. Associations as well as individuals are not permitted to engage in trade unless they have a licence to trade under Law No. 41/1968 on Trade.

338. Regarding establishment of religious associations, see the discussion of article 18 of the Covenant.

339. There are no requirements for the founding or operation of political associations in Iceland, for example, concerning their registration or an obligation to give notice of their founding, or their operation in other respects. Law No. 62/1978, on the other hand forbids Icelandic political associations to accept monetary contributions from foreign parties. This is, in fact, the only example of a provision of law that in some way bears on the operation of political associations.

340. Law No. 80/1987 on Elections to the Althing and Law No. 8/1986 on District Government set out rules on candidacy and lists of candidates of political parties for elections to the Althing and district government. Elections to the Althing were last held on 20 April 1991. Candidates stood for election from the following 11 political parties:

Social Democratic Party
Progressive Party
Independence Party
Icelandic Workers' Party
Liberals
People's Alliance
Association for Home Rule
Radical Social Democrats
Women's List
Green Candidacy
National Party-Humanists Party

341. Members of the Althing of five political parties now hold seats in the Althing in the following numbers:

Independence Party	26
Progressive Party	13
Social Democratic Party	10
People's Alliance	9
Women's List	5

342. There is a majority government composed of the Independence Party and the Social Democratic Party. No single party has won a majority in the Althing since the establishment of the Republic. Governments since then have always been coalitions. Minority governments have sat only for short periods.

343. Under Law No. 56/1971 on Specialists' Assistance to Parties in the Althing, each party is paid a minimum sum from the State to defray expenses of specialists' assistance for each party and its members of the Althing in their work. An independent member of the Althing receives the same amount as is paid to each member of the Althing who is a member of a party.

344. In Iceland no political party or other kind of association has ever been banned. The authority provided in article 73 of the Constitution to dissolve an association by a judicial decision, therefore, has never been utilized. It is possible to demand an injunction against an association's operation under Law No. 31/1990 on Attachment, Injunction and Other Matters if it is successfully shown that the legally protected interests of another person or entity are at risk.

345. Law No. 80/1938 on Labour Unions and Labour Disputes contains the major legal provisions on labour unions. There the rule complementing article 73 of the Constitution is found stating that people have a right to establish labour unions and trade union federations for the purpose of working together for the interests of the working class and wage earners in general.

346. Labour unions are open to all in a field of work within a union's area. As a main rule, they are a lawful negotiating party for wages and conditions of their members. There are no special requirements for founding a labour union, nor are they dependent upon a licence from government authorities or government registration. On the other hand, the Law on Labour Unions and Labour Disputes is applicable. Labour unions themselves set rules on their internal operation and organization and various minor requirements for

enrolment, for example, on education, rights and place of work, etc. If individuals satisfy general requirements that the labour unions are deemed authorized to set, it is against the law to refuse them or delay their enrolment in some way. In the same way, expulsions from a labour union can be illegal. The Law on Labour Unions and Labour Disputes also assumes that employers will form comparable organized interest groups.

347. Under the previously mentioned law, labour unions are authorized, after having met specified requirements, to go on strike for the purpose of furthering their demands in labour disputes.

348. Special rules apply to government employees. Labour unions under law represent them under Law No. 94/1986 on Labour Contracts of Public Employees. Special requirements under the law apply to the founding of labour unions and strikes by public employees, and the right to strike of some groups of employees is limited in some ways.

349. In 1990 it was estimated that of 250,000 Icelanders, 140,000 to 150,000 were in the labour market. The association with the most wage earners in Iceland and the largest general association is the Icelandic Federation of Labour. In the Federation there are 9 national chapters and 239 unions and divisions. Approximately two thirds of wage earners in organized associations in the country are in the Federation. Other major labour associations in the labour market are the Federation of State and Municipal Employees, the Merchant Navy and Fishing Vessels Officers' Guild, the Union of Icelandic Bank Employees, the Federation of Graduate Public Employees, the Teachers' Association of Iceland and the Icelandic Registered Nurses' Association. In addition, there are a few labour unions for wage earners outside the major associations listed here. These include the National Union of Icelandic Journalists, the Icelandic Airline Pilots' Association, the Union of Icelandic Graphical Workers.

350. Shown below is a breakdown of wage earners in the major associations in the labour market in 1990:

Association	No.
Icelandic Federation of Labour	70,000
Federation of State and Municipal Employees	15,500
Federation of Graduate Public Employees	4,200
Union of Icelandic Bank Employees	3,700
Teachers' Association of Iceland	3,500
Icelandic Registered Nurses Association	2,100
Merchant Navy and Fishing Vessels Officers' Guild	2,000

351. In Icelandic law some provisions are found on mandatory membership of persons in associations. Examples of such provisions are in Law No. 61/1942 on Barristers, Law No. 55/1980 on Working Conditions of Wage Earners and Mandatory Pension Insurance and Law No. 77/1989 on Taxis.

352. Disputes have arisen before Icelandic courts because of mandatory membership under law in associations. A negative freedom of association, i.e. people's right not to be in associations, is not explicitly mentioned in

article 73 of the Constitution or in article 22 of the Covenant. There has been controversy over how one should construe article 73 of the Constitution with regard to a negative right of association.

353. On 15 December 1988, the Supreme Court of Iceland ruled on a dispute on mandatory membership of taxi drivers in a taxi drivers' union. According to paragraph 1 (6) of article 8 of Law No. 77/1989 on Taxis, taxi drivers' permits require that they belong to the taxi drivers' union. The majority opinion of the Supreme Court held that considering the history and original purpose of article 73 of the Constitution, the Court did not have to agree with the taxi driver's view that the provision protected people's right to refuse to enrol in an association. Neither could a conclusion be drawn from the provision that making membership in an association mandatory for a work permit was unauthorized. This case was submitted to the European Commission of Human Rights, particularly on the grounds of an offence against article 11 of the European Convention of Human Rights. The majority of the Commission was of the opinion that this case was an offence against article 11 of the Convention and has referred the case to the European Court of Human Rights, where it currently awaits a hearing.

354. Another point of Icelandic law which is debatable and pertains to discrimination between members of labour unions and those who are not members of any union is Law No. 64/1981 on Unemployment Insurance. Under the law people are required to be members in good standing of a labour union to have the right to receive unemployment compensation. Issues connected to this point have not yet been tested before Icelandic courts.

355. Associations that have human rights explicitly as a general goal for their work are few in Iceland. A few associations work on cases involving rights of delimited national groups, for example, those which pertain to rights of children, the handicapped, pensioners, etc. The one association that it is possible to classify unambiguously as a human rights association is Amnesty International Iceland as well as, conceivably, work done under the auspices of the Red Cross in Iceland. Both associations are a part of an international activity.

356. Amnesty International Iceland was founded in 1974. The association's membership is 1,000 and its main source of revenue is membership dues. The association receives no financial support from public funds, and that is in conformity with their policy not to accept funds from governmental authorities so as to maintain undiminished independence.

Article 23

Paragraph 1

357. Icelandic law contains no general declaration that is comparable to the one in this provision of the Covenant. Nevertheless, this fundamental viewpoint is an assumption in Icelandic law, and the family is provided powerful protection that may be seen, inter alia, in various legal provisions that pertain to family matters.

358. The most important laws pertaining to family matters in Iceland that will be most referred to in discussion of this article are the following:

Law No. 20/1923 on Couples' Rights and Obligations;
Estate Law No. 8/1962;
Law No. 15/1978 on Adoption;
Law No. 20/1992 on Children;
Law No. 58/1922 on the Protection of Children and Youths;
Law No. 31/1993 on Marriage.

359. Compared to cohabitation of an unmarried couple, marriage has a special legal status. In recent years, however, there has been a trend toward equalizing rights of married couples and couples living together in Icelandic law and judicial practice, especially with regard to rules on rights under the Law on Social Security as well as on children's rights. If cohabitation has lasted for two years and if the people living together have a child or the woman is pregnant, various rights come into effect that are comparable to those of a married couple. Rights that still pertain only to marriage, but not cohabitation, are, among others, the following:

(a) Spouses' duties of mutual support (arts. 1 and 2 of the Law on Couples' Rights and Obligations);

(b) Spouses have community right in each other's marriage estate (art. 17);

(c) Upon a division of property between couples the marriage estate is divided equally (art. 18);

(d) Spouses are legal heirs of each other (arts. 1 and 35 of the Estate Law);

(e) A surviving spouse has a right to continue living with an undivided estate (chap. II of the same law);

(f) Only married couples are permitted to adopt a child together (art. 5 of the Law on Adoption).

360. When the new Law on Children took effect on 1 July 1992 the last distinction in family law was abolished regarding the legal status of children born out of wedlock, but up until then these children were defined under law as illegitimate. No real distinction had existed between their rights and the rights of legitimate children.

361. Under estate law a child is a legal heir of its father as well of its father's family, without regard as to whether it is born within or out of wedlock.

362. Both married couples and people living together enjoy various kinds of support from the State Social Security System. During the mid-1950s a comprehensive Social Security System was established. Under Law No. 67/1971 on Social Security comprehensive insurance includes old age pensions, invalidity pension, spouse's benefit, widow's benefit, widow's pension, child

pension and mother's allowance. Under article 52 people living together shall enjoy the same right as a married couple to all benefits from Social Security if both parties are unmarried, cohabitation has lasted for two years or longer, or the parties have children together or a child is expected.

363. An attempt is made by law to help a family to enjoy protection and to avoid being split apart. Nevertheless, provisions of law exist that authorize intervention by government authorities in family matters that lead to separation. This is particularly pertinent when children are involved, and in the Law on the Protection of Children and Youths there are provisions to remove children for a limited time from parents' custody because they are incapable of caring for their children. This course of action will be mentioned in greater detail in the discussion of article 24 of the Convention.

Paragraph 2

364. Requirements for marriage under the Law on Marriage are the following: a man or a woman under 18 may not marry unless there is a permit from the Ministry of Justice.

365. If a person has been deprived of his legal competence, agreement of a guardian is required for him to marry. The Ministry of Justice can permit a marriage in the aforementioned instance even though agreement of a guardian is lacking if there was no valid reason for refusing it.

366. Exemptions from the age 18 requirement for marriage are relatively rare. The Ministry has never refused to issue such a permit. Here is their frequency in recent years:

Year	Number of permits
1989	4
1990	1
1991	3

In all of the instances shown above, the one who received an exemption from the age requirement for marriage became old enough to meet the requirement the same year as the marriage ceremony or the year after.

367. It is not permitted for lineal relatives to marry, nor siblings, and a parent and adopted child may not marry unless the adoption is annulled. A person who is already married may not marry, and a permit from the Ministry of Justice is required to marry a person and his former spouse's lineal relative.

368. A marriage is lawful whether it is performed by a minister or head of a religious association or a secular marriage official. There is no difference between these. Ministers of the National Church of Iceland perform church weddings within their churches, and the same applies to ministers or heads of other religious associations that have obtained authorization of the Ministry of Justice to perform marriages. District magistrates and their deputies educated in law perform civil marriages. All who fulfil requirements for marriage have a right to a civil marriage.

Paragraph 3

369. It is a requirement of marriage from which no exemption can be made that both prospective spouses enter into marriage willingly and of their free will. Under article 24 of the Law on Marriage both prospective spouses are obligated to be present at the marriage ceremony, and the marriage official has the duty to ask the couple in the presence of witnesses whether they want to be married.

370. One spouse can demand annulment of his or her marriage under article 28 if one of the following conditions pertains:

1. The person was deranged when the ceremony took place, or in some other way circumstances were such that the person could not obligate himself or herself legally to marriage.

2. The person allowed himself to be married by mistake to someone other than the one he or she promised to marry, or was married without intending to be married.

3. If a wife or a husband arrange to marry by knowingly giving a false impression of herself or himself or conceal facts about her or his life that would have caused the other to shy away from marriage had he or she known.

4. If a person was forced to marry.

Annulment has the same legal effect as divorce.

Paragraph 4

371. An attempt is made in Icelandic law to achieve objectives that are in this provision of the Covenant in Law No. 20/1923 on Couples' Rights and Obligations. Under this law a mutual obligation of support rests on couples, and the law aims at making their status equal in all ways. However, reference can be made to the legal provision that was discussed in paragraph 57 above, which is an anachronism.

372. A main rule is that each spouse has responsibility for his own debts. Under article 114 of Law No. 75/1981 on Income and Property Tax, a couple bears undivided responsibility for payments of their taxes, and it is possible to demand payment by either spouse of taxes for both of them.

373. Icelanders generally do not have surnames, but rather identify themselves with the father, i.e., with their father's first name plus the suffix "son" or "dottir" (daughter). This is not changed by marriage even though one spouse bears a surname. Under Law No. 37/1991 on People's Names, a wife or a husband is, however, permitted to bear her or his spouse's surname for the duration of the marriage and after it is finished.

374. Spouses who have custody of their children usually have equal rights to make decisions on their circumstances, and no provisions in law provide one of

the spouses greater power to decide these matters. The same applies to family matters generally. Both parents have a duty to support their child (art. 9 of the Law on Children).

375. Despite the main rule on complete equality of spouses regarding both internal domestic matters and matters outside the home, there is, however, an example of a provision in Icelandic law that discriminates between spouses depending on whether a woman or a man is involved. That is article 18 of Law No. 67/1971 on Social Security. Under the article, every woman who has legal residence in the country and had reached 50 when her husband died has a right to a widow's pension until age 67, provided she has had legal residence here for at least the last three years before an application was submitted, or the deceased has had legal residence here for at least three years before he died. As can be seen from the wording of the provision, this right is limited to women. Widowers in a corresponding situation do not enjoy the right. The provision has actually become an anachronism based on the husband being the provider for the home and the wife being at home taking care of the children and the household. It has been debated whether to abolish this provision because of completely changed social conditions, but so far nothing has come of it.

376. If a couple agrees on separation, permission to separate must be granted them, and the same applies if a spouse believes himself or herself incapable of continuing a marriage. The legal effect of a separation is cancelled if the couple begin to live together again. If a couple agree on a divorce, they can obtain permission to divorce six months after a permit to separate is issued. Each spouse has a right to a divorce when a year has passed from the date of permission for separation. District magistrates issue all separation permits, but it is also possible to pursue a separation before the courts.

377. Rules on the status of children and parents in divorce are in the new Law on Children that went into effect on 1 July 1992. Under the law a child not legally competent automatically has a right to be cared for by both parents who are married or live together.

378. A child's custody shall always be determined when parents separate or divorce, as well as when people living together separate. A new provision came into effect with the new Law on Children that parents can have joint custody of a child even though they are separated or divorced. If parents cannot agree on joint custody of a child, it is determined which one of the parents will have custody. Parents can always agree on a change in a child's custody, so custody passes from one parent to the other, or that an agreement for joint custody is no longer in force and custody will be the responsibility of one of the parents.

379. If parents disagree about custody of a child, a court will decide the dispute. The Ministry of Justice, however, can decide a dispute on custody if parties agree to let the Ministry decide the matter.

380. If one parent has custody of a child, the child, nevertheless, has a right to be with the other parent, and vice versa. If a dispute arises between the parents about this right, a district magistrate, upon a parent's petition, will decide the modalities of the right. The district magistrate's

decision can be referred to the Ministry of Justice. If one of the child's parents is deceased, his nearest relatives can petition a district magistrate for their visitation with the child.

Article 24

Paragraph 1

381. Icelandic law nowhere explicitly states the main rule that children will not be discriminated against on the basis of those attributes that are listed in this provision of the Covenant. The rule, nevertheless, is a basis for Icelandic law that nowhere discriminates against children on the basis of race, colour, sex or anything else. Iceland is a party to the United Nations Convention on the Rights of the Child of 20 November 1989.

382. Distinction in law between children born in or outside of wedlock has nearly disappeared from Icelandic law, as was mentioned above in the discussion of paragraph 1 of article 13 of the Covenant. Different rules, however, apply to determination of children's paternity depending on whether the parents are married or cohabiting or not, and a distinction is also made in rules on determining citizenship.

383. A mother is asked about a child's paternity immediately after giving birth, and her response is recorded in a report on birth. Chapter II of Law No. 20/1992 on Children sets forth more detailed rules on how a child's paternity is determined. When a child is born, the husband of the mother is deemed to be the child's father if birth occurs while they are married or within so short a time after dissolution of the marriage that the child was possibly conceived during the marriage. If a child's mother and a man whom she names as the child's father are living together when the child is born, the man is deemed to be the child's father. The same applies if a child's mother and a man she names as the child's father begin to live together, on the condition that the child is without paternity at that time.

384. A husband or cohabiting man who has agreed in writing and with witnesses that his wife or cohabiting mate be artificially inseminated with sperm from another man is deemed to be the father of a chid conceived in this way. If none of the aforementioned rules on paternity apply, a child can obtain paternity through an acknowledgment of paternity of a man whom a mother names as the child's father. If such acknowledgment is not obtained, the child's paternity has to be resolved in court.

385. Regarding statistics on children's deaths in Iceland, mandatory schooling and similar matters, see document HRI/CORE/1/Add.26.

386. At 16 a person attains legal competence according to Law No. 68/1984 on Legal Competence. Legal competence entails that a person controls his own affairs except finances and cannot be hospitalized against his will. At 18 a person becomes financially competent, meaning he alone controls his own finances. A person is deemed to be with full legal competence when he is both legally and financially competent.

387. It is very common for Icelandic youths aged 13 and older to work during summer vacation from school. Indeed, summer vacations in basic and secondary schools are from three to four months long. Most local governments operate a special employment programme during the summer for youths aged 13 to 14. The programme especially includes many types of clean-up work and gardening.

388. Law No. 46/1980 on Occupational Conditions, Hygiene and Safety at Work, chapter X, deals with work of children and youths. It is not permitted to employ a child under 14, unless the job is easy and with little risk. It is not permitted to allow children 15 or younger to work with dangerous machinery. The Occupational Safety and Health Bureau publishes a booklet that is sent to all employers that has explanations of what jobs are considered easy and of little risk. One can send inquiries in this area to the Bureau as well as notifications if rules in the law are violated. Working hours for children aged 14 to 15 may not exceed normal working hours for adults who work in the same line of work, and youths aged 16 to 17 may not work more than 10 hours a day.

389. Children under 15 cannot be punished in Iceland. (See the discussion above on para. 3 of art. 10 and para. 4 of art. 14 of the Covenant on special provisions of law regarding children and youths during criminal investigations and punitive confinement).

390. The main provisions of law on protection of children are found in Law No. 58/1992 on the Protection of Children and Youths. This law has much clearer rules than the previous law on handling of child welfare cases and decision-making power in such matters. Under the law, supervision of child welfare cases is the responsibility of the Ministry of Social Affairs, but child welfare committees and the Icelandic Council of Child Welfare are government authorities with supervisory authority in child welfare cases.

391. Child welfare committees work on behalf of local governments, and town governments elect committee members. A child welfare committee where the child lives has remedial authority for the child's affairs. The Minister of Social Affairs appoints three persons to the Icelandic Council of Child Welfare for the whole country. The decisions of local child welfare committees can be appealed to the Council. The Council's substantive conclusions cannot be appealed to courts, but courts, on the other hand, can evaluate whether lawful procedure has been observed in handling of a case and overturn a decision by the Council.

392. With the law an attempt is made particularly to make the Council less dependent than before vis-à-vis local child welfare committees. The role of supervision and counselling that the Council has previously vis-à-vis child welfare committees is now the responsibility of the Ministry of Social Affairs. Rules defining incompetence of child welfare committee members are the same as for incompetence of a district court judge in civil matters, as appropriate.

393. The role of a child welfare committee has many aspects. Primarily, they should monitor the behaviour and conditions of upbringing of children and youths for the purpose of discovering as soon as possible those who live in unsatisfactory conditions, suffer bad treatment or have social problems. The committees also have special supervision of conditions of children who live in child care institutions such as day nurseries and summer camps.

394. A child welfare committee decides whether a child will be removed from his home and live in a foster home if every attempt has been made to find other solutions to ensure the child's welfare. The requirements for a child welfare committee to remove a child from the parents' custody by a decision are listed in article 23 of the Law on Protection of Children and Youths. They are as follows:

(a) Upbringing, daily care or relations of parents with the child is seriously deficient considering the age and maturity of the child;

(b) A child is sick or handicapped and parents do not ensure the child's appropriate treatment, training or instruction;

(c) A child is mistreated, sexually abused or suffers serious mental or physical harassment or humiliation in the home;

(d) It is certain that the physical or mental health of a child or his development can be at risk because parents are plainly incompetent to have custody because, e.g. of drug use, serious mental deficiency or a great lack of intelligence, or the parents' behaviour is likely to cause the child serious damage.

395. If circumstances later improve such that the parents could be expected to be competent again to have custody, they can request a child welfare committee to reopen their case so that they again get custody of the child. When a child welfare committee is handling a child's case, it has a duty to give the child an opportunity to express himself on the matter if possible and it is a duty from which no exemption can be made after a child is 12.

Paragraph 2

396. A doctor or midwife who delivers a baby writes a report of birth where, inter alia, shall appear all considerations that can matter for the child's development and the mother's account of the child's paternity.

397. Each day all the reports of birth from the maternity ward of the National Hospital in Reykjavik are sent to the National Register at the Statistical Bureau of Iceland, but hospitals outside of Reykjavik send them once a week. When reports of birth arrive at the National Register, the child's sex is entered in the Register and the father's name if the child's parents are married or cohabiting, or otherwise the child is identified with the mother until an acknowledgement of paternity of the man whom the mother identified as the child's father at birth is sent to the National Register or a judicial decision as to the child's paternity is sent.

398. A child receives a national identification number in the National Register as soon as a report of birth is submitted, and a child's name is entered after notice that the child has been given a name. Children of embassy staff and military personnel from the Iceland Defense Force at Keflavik Airport, however, do not automatically receive a national identification number and are not entered in the National Register. In fact, this is in conformity with international agreements in force. Reports of birth of all children born here in the country, Icelandic as well as alien, are preserved in the Statistical Bureau of Iceland, and birth certificates based on them are issued when requested.

399. Rules on people's names are found in a new Law No. 37/1991 on People's Names. Under the law, there is a duty to give every child his own name within six months of his birth. A child can receive a name by christening in the National Church or in a registered religious association or by notice to the Statistical Bureau of Iceland, the National Register, a clergyman or director of a registered religious association.

400. Under the law, the Minister of Justice appoints a People's Names Committee for a term of four years. Its role in particular is to make a register of people's names that are deemed permissible, and to advise clergymen, directors of registered religious associations, the Statistical Bureau of Iceland, the Ministry of Justice and those with custody of children on naming, and to decide matters of opinion and dispute on names, naming, writing of names and other matters. Decisions of the Committee are final, but courts can invalidate them if it is shown that unlawful considerations underlie them.

Paragraph 3

401. A child obtains Icelandic citizenship at birth if it is legitimate and its father or mother is an Icelandic citizen, and if the child is illegitimate and the mother is an Icelandic citizen (art. 1 of the Law on Icelandic Citizenship).

402. This is an exception to the main rule that otherwise prevails in Icelandic law that no distinction is made between the rights of legitimate and illegitimate children. If an Icelandic man and an alien woman have a child before they get married, the child obtains Icelandic citizenship when the parents marry, if he or she has not married and is under 18.

403. In practice, it is rare that a child can be born here in the country without citizenship, and not one such instance is known in recent years. A child who has been found in the country is deemed to be an Icelandic citizen until proven otherwise.

404. According to article 68 of the Constitution, no alien can obtain citizenship in the country except by law.

Article 25

Election to the Althing

405. According to article 31 of the Constitution, elections to the Althing are held by secret ballot on the basis of proportional representation for four years in eight constituencies in the country. (See arts. 33 and 34 of the Constitution on the right to vote in an election to the Althing and eligibility to stand for election.)

406. The right to vote is regarded as a personal right, and people cannot be deprived of it after having attained it and fulfilling the general requirements set for it. Requirements for the right to vote that were set forth in previous law, such as an unblemished reputation and full legal competence, have all been repealed.

407. Law No. 80/1987 on Elections to the Althing sets forth more rules on the right to vote and eligibility to stand for election. Under paragraph 2 of article 1, an Icelandic citizen who has reached 18 and has legal residence in the country has the right to vote. The same applies to an Icelandic citizen who satisfies the age requirement and has had legal residence in the country for the previous eight years counted from the next 1 December before election day. Such a citizen also has a right to vote after that time, provided he has applied for entry on the voters' register at the Statistical Bureau of Iceland in accordance with rules described in more detail in the law.

408. Article 2 of the Law on Elections to the Althing discusses eligibility to stand for election and actually is not in full conformity with article 34 of the Constitution because it states that judges without administrative functions are eligible to stand for election, while article 34 of the Constitution refers only to Supreme Court justices. The wording of the Law on Elections on judges without administrative functions is obsolete. It actually referred in practice to Supreme Court justices before the Law on the Separation of Judicial and Administrative Powers at the District Level went into effect on 1 July 1992 because prior to that time district judges had administrative functions. Article 2 of the Law on Elections is now construed to be in conformity with article 34 of the Constitution. Apart from this requirement, any Icelandic citizen who has the right to vote and has an unblemished reputation is eligible to stand for election to the Althing.

409. Article 3 of the Law on Elections defines the concept "unblemished reputation". It states that no one is deemed to have an unblemished reputation who is guilty by judicial decision of an act that is disgraceful according to public opinion, unless he has obtained restoration of his honour. A conviction for a criminal offence does not entail a blemish on reputation unless the defendant was at least 18 when he committed the offence and punishment was for at least four months' imprisonment without parole or there was a sentence of security detention.

410. Under Article 1 of Law No. 52/1985 on Procedures of the Althing, the Althing itself investigates whether the requirements for newly elected members' eligibility to stand for election are fulfilled. A member's eligibility to stand for election has never been challenged.

411. An election is held under the supervision of election boards. There are three types of election board:

1. National Election Board: there is one for the country. It is elected by the Althing.

2. District Election Board: there is one in each of the eight constituencies. They are also elected by the Althing.

3. Poll Election Board: there is one in each polling place in a township. They are elected by the local governments in each place.

412. The Law on Elections sets out detailed rules on the conduct of an election, including on the design of an election register, rules on candidates' lists, polling places and casting of votes at the polls and absentee ballots, ways to register complaints arising out of disputes, election results and allocation of seats in the Althing.

413. Rules on absentee ballots are set with the goal of making it possible for the greatest number of people to exercise their right to vote if they cannot make it to the polls. This right was significantly expanded with the amendment to the Law on Elections in 1991. Now absentee balloting can be done, under article 63 of the Law on Elections, at district magistrates' and district administrators' offices, aboard Icelandic ships where the captain has received election materials and the voter is registered on board the ship, and at embassy and consulate offices abroad. There is also authority to conduct an election in hospitals, homes for the elderly, institutions for the handicapped and in prisons. Finally, it is possible to permit a voter who cannot go to the polls on election day because of illness, handicap or giving birth to vote at home.

414. Under the current organization of constituencies in Iceland, it is unavoidable that there is a discrepancy in the weight of votes between constituencies in the country. That means that many more votes are required to elect each member of the Althing in the largest constituencies in the country than are needed when a member from the smallest constituencies is involved.

415. In recent decades various amendments have been made to the Constitution with the goal of equalizing the weight of votes between constituencies. The Constitution and Law on Elections were last changed for this purpose in 1984. Members of the Althing were increased from 60 to 63 and new rules for calculation of so-called equalizing seats in the Althing took effect. Elections to the Althing have been held twice since then, most recently on 20 April 1991. Eight equalizing seats have fallen to the largest constituencies in both elections, and that has compensated for the unequal weight of votes. In the following table the weight of votes is shown for the election in 1991 including equalizing seats, i.e. the different number of votes for each member of the Althing relative to the constituency:

Constituency	Registered voters	No. of Members of the Althing	Voters per member
Reykjavik	73 299	18	4 072
Reykjanes	44 360	12	3 696
Vesturland	9 872	5	1 974
Vestfirdir	6 564	5	1 312
Nordurland vestra	7 190	5	1 438
Nordurland eystra	18 420	6	3 070
Austurland	9 110	5	1 822
Sudurland	13 953	6	2 325

Finally, one seat in the Althing is allocated to a constituency according to special rules for calculation, and in the 1991 election that seat fell to the least populous constituency, Vestfirdir.

416. Although more votes are needed to elect a member of the Althing in larger constituencies than in the smaller ones, equalization is achieved to a great extent between political parties, which have candidates in all the constituencies in the country through allocation of equalizing seats in the Althing. These number 8 out of the 63 seats in the Althing while 54 members are tied to specific constituencies. Through allocation of equalizing seats, parties in the Althing that have not won a proportion of seats corresponding to their following in the country as a whole get equalizing seats to achieve balance.

417. Participation in elections to the Althing in Iceland has always been very high, usually around 90 per cent. Below is shown the participation in the last four elections to the Althing:

1979	89.3%
1983	88.3%
1987	90.1%
1991	87.3%

Election to the Presidency

418. The President of Iceland is elected in a national election under article 3 of the Constitution. (See arts. 4 and 5 of the Constitution on eligibility to stand for election and voting rights.) Law No. 366/1945 on the Candidacy and Election of Presidents applies to other aspects of presidential elections.

419. H.E. Vigdís Finnbogadóttir was elected President in 1980. Voter turnout then was 90.5 per cent. There was an opposing candidate in 1988. Voter turnout was then 72 per cent and the President won re-election very convincingly. In 1984 and 1992, the President was, on the other hand, automatically elected since there were no opposing candidates.

Elections to local government

420. Representatives in local government are elected by secret ballot in general elections every four years. Applicable parts of the Law on Elections to the Althing apply to the conduct of elections to local government.

421. More detailed rules on elections to local government are set forth in Law No. 8/1986 on District Government. There is, inter alia, a more expansive right to vote than in elections to the Althing because Danish, Finnish, Norwegian and Swedish citizens also have a right to vote if they are 18 or older when the election takes place and have legal residence in Iceland, on the condition that they have had legal residence for three continuous years counting from the next 1 December before election day.

422. Voter turnout in the previous four elections to local government was as follows:

1978	85.4%
1982	85.1%
1986	81.9%
1990	82.0%

423. Paragraph 1 of article 20 of the Constitution states than no one can be appointed as a government official unless he is an Icelandic citizen.

Appointment to government positions

424. There are no limitations that discriminate amongst Icelandic citizens having access to government jobs other than requirements as to minimum age in most instances, full legal competence and health as well as general requirements for competence according to circumstances, for example, regarding education and period of employment. Stricter requirements are made if an appointment to the highest State posts is involved, rather than if people are appointed provisionally or hired for State service at lower levels.

425. The main law pertaining to these matters is Law No. 38/1954 on the Rights and Obligations of Public Employees. It varies by job classification whether people are appointed, appointed provisionally or hired for government positions. The main rule set forth in the law is that a government employee must be an Icelandic citizen although it is permitted to deviate from that requirement if it is deemed to be especially desirable to get a foreign citizen for the work as a temporary measure. However, it is not permitted to appoint him to a position until he has obtained Icelandic citizenship.

426. Nordic conventions in force that pertain to mutual acknowledgment of university education in Nordic countries state that a Minister can issue an exemption from a requirement of Icelandic citizenship. In the Agreement on the European Economic Area rules on the right of aliens from countries in the European Economic Area to work in State service have been expanded in the same way. This, however, does not pertain to appointments to public posts since the aforementioned constitutional provision is without reservation regarding that.

427. The Law on Rights and Obligations of Public Employees otherwise addresses release of public employees from a position, their vacation and leave of absence, salary payments and benefits as well as their duties in a job.

Article 26

428. The Icelandic constitutional system and law are based upon the fundamental consideration that all persons are equal before the law. Although the rule is not explicitly mentioned in the Constitution, it appears in several of the Constitution's provisions such as the human rights provisions as well as article 78 which states that special privileges that are associated with nobility, titles and rank may never be enacted.

429. The rule on equality before the law is manifested in scattered provisions of Icelandic law, and courts have confirmed its existence on many occasions. (See the discussion of art. 2 of the Covenant regarding individual legal provisions where the rule on equality before the law is mentioned.)

430. As mentioned above in the discussion of individual articles of the Covenant, a comprehensive re-examination of Icelandic law has occurred in recent years. Fundamental changes in the Icelandic court system and all court procedure weigh heaviest in this regard, but a number of other laws, for example, in the area of personal and family law, have also been renewed. New law is very much characterized by attitudes favouring protection of human rights, that the rights of citizens with respect to government authorities is unambiguous: equality shall prevail between them and remedies laid down if citizens believe themselves to have been wronged. An example of legal provisions developing in this direction is the legislation on matters concerning children and the repeal of legal distinctions between them based on whether they are legitimate or illegitimate. (See the discussion of art. 24 of the Covenant.) The same pertains to equality of men and women in marriage. (See the discussions of arts. 3 and 23 of the Covenant and equality of the sexes in general.)

431. Attention may also be drawn to more liberal rules in Icelandic election law than previously with the goal that all have the chance to exercise their right to vote without regard to whether they are handicapped, sick, deprived of liberty, etc. (See the discussion on art. 25 of the Covenant and also the discussion of arts. 18 and 19 concerning people's equal rights to practise their own religion and express their opinions.)

432. Concerning people's equal rights with regard to national origin, there is no discrimination in relation to individuals in Icelandic law. On the other hand, mutual Nordic conventions resulting from close cooperation between the Nordic countries have resulted in Nordic citizens enjoying a greater right in some areas than other aliens, e.g. regarding rights of employment and residency. The same would probably pertain upon the entry into force of the Agreement on the European Economic Area and enabling legislation that greatly expands rights of persons from EFTA and EEC countries in Iceland. Such special rights are, on the other hand, not regarded as detracting from the main rule that all are equal before the law.

Article 27

433. This provision of the Covenant is especially relevant for States where minority groups exist that have definite characteristics, and the rights of such groups.

434. Icelandic society is in fact relatively homogeneous, and it is hardly possible to say that specific minority groups of this kind exist. Certainly there are in the country a number of registered religious associations in addition to the Icelandic National Church, but people in them are for the most part Icelanders who are hardly distinguishable in any way from other social groups.

435. The Icelandic nation has a small population and has always been isolated by its geographic location without mixing with other nations ever since the country was settled. The nation is based, therefore, in nearly every way, on the same cultural heritage, and it is not possible to speak of any minority identifiable in that respect.

436. All in all there were 5,395 aliens living in the country on 1 December 1991. Of them there were 1,674 people from the Nordic countries. Aliens other than those from Nordic countries were, therefore, 3,721. Aliens in the National Register increased by 12.1 per cent from 1990 to 1991 and are now nearly 2 per cent of the country's population.

437. In recent decades aliens in the country have increased in number considerably. If statistics on nationality are examined where the increase is greatest, the following is revealed when the number of aliens from the five States shown below is compared for the years 1981 and 1991:

	1981	1991
Philippines	22	133
China	4	54
Poland	25	482
Soviet Union*	4	55
Thailand	1	130
Total	56	854

* The comparison for 1991 includes the former republics of the Soviet Union.

438. Up until now, not much thought has been given in practice to affairs of aliens or minority groups in Icelandic law. Indeed, there has hardly seemed to be a reason to do so. Statistics on increased immigration of aliens to the country and increased social discussion of the rights of aliens, on the other hand, give sufficient occasion to consider whether there is a need to give them special consideration in Icelandic law under these changed conditions.

Reservations

439. Here, in conclusion, the reservations that Iceland has made to the Covenant will be mentioned.

440. Iceland made a reservation on paragraph 3 (a) of article 8 in so far as it affects the provisions of Icelandic law which provide that a person who is not the main provider of his family may be sentenced to a term at a labour facility in satisfaction of arrears in support payments for his child or children. This reservation is now unnecessary since the authority in law for this in paragraph 4 (4) of article 5 of Law No. 54/1971 on the District Collections Agency was repealed with Law No. 92/1991 on changes to Various Laws in the Wake of the Separation of Judicial and Executive Powers at the District Level.

441. The reservations on paragraphs 2 (b) and 3, second sentence, of article 10 with respect to the separation of juvenile prisoners from adults remain unchanged, even though Icelandic law in principle provides for such separation.

442. The reservation to article 13, to the extent that is inconsistent with the Icelandic legal provisions in force relating to the right of aliens to object to a decision on their expulsion, remains unchanged. (See the discussion of art. 13 regarding a draft law now before the Althing relating to ratification of the Agreement on the European Economic Area. If it is enacted, aliens' legal status will be improved in various ways and, inter alia, a right of appeal will be available if a decision is taken on their deportation.)

443. The reservation to paragraph 7 of article 14 on the resumption of cases that have already been tried and the reservation to paragraph 1 of article 20 on banning propaganda for war remain unchanged since no reason has seemed to exist for changing the law to conform to the aforementioned provisions of the Covenant.

LAWS AND REGULATIONS REFERRED TO IN THE REPORT

Laws

Law on Couples' Rights and Obligations No. 20/1923
Law Permitting Sterilization of People in Appropriate Instances No. 16/1938
Law on Labour Unions and Labour Disputes No. 80/1938
General Penal Code No. 19/1940
Law on Barristers No. 61/1942
Law on Punishment for Trespass and Residence in a Forbidden Military Zone No. 60/1943
Constitution of the Republic of Iceland No. 33/1944
Law on the Candidacy and Election of Presidents No. 366/1945
Law on the Validity of the Defense Treaty between Iceland and the United States of America and the Legal Status of the United States Armed Forces and their Property No. 110/1951
Law on Notification of Change of Residence No. 73/1952
Law on Icelandic Citizenship No. 100/1952
Law on Icelandic Passports No. 18/1953
Law on Rights and Obligations of Public Employees No. 38/1954
Law on the Right of Publication No. 57/1956
Law on Epidemics No. 10/1958
Estate Law No. 8/1962
Law on the National Registry and Registration No. 54/1962
Law on the Court of Impeachment No. 3/1963
Law on Regulation of Aliens No. 45/1965
Law on Ownership and Use of Real Property No. 19/1966
Law on Trade No. 41/1968
Law on District Collections Agency No. 54/1971
Law on Specialists' Assistance to Parties in the Althing No. 56/1971
Law on Social Security No. 67/1971
Law on the Police No. 56/1972
Law on the Supreme Court of Iceland No. 75/1973
Law on Religious Associations No. 18/1975
Law on Consultation and Education on Sexual Relations and Maternity and on Abortion and Sterilization No. 25/1975
Law on Guns, Explosives and Fireworks No. 46/1977
Law on Adoption No. 15/1978
Law on Corporations No. 32/1978
Law Banning Financial Support by Foreign Parties of Icelandic Political Parties and Publishing by Foreign Embassies in Iceland No. 62/1978
Law on Occupational Conditions, Hygiene and Safety at Work No. 46/1980
Law on the Working Conditions of Wage Earners and Mandatory Pension Insurance No. 55/1980
Law on Unemployment Insurance No. 64/1981
Law on Income and Property Tax No. 75/1981
Law on Aliens' Right to Work No. 26/1982
Law Banning Violence in Movies No. 33/1983
Law on Legal Competence No. 68/1984
Law on Pharmaceutical Products No. 108/1984
Law on Procedures of the Althing No. 52/1985
Law on Broadcasting No. 68/1985
Law on District Government No. 8/1986

Law on Labour Contracts of Public Employees No. 94/1986
Law on the Ombudsman of the Althing No. 13/1987
Law on Inspection of Vessels No. 51/1987
Law on Elections to Althing No. 80/1987
Law on Church Tax and Other Matters No. 91/1987
Law on Prisons and Imprisonment No. 48/1988
Law on Taxis No. 77/1989
Law on Execution of Judgments No. 90/1989
Law on the Separation of Judicial and Executive Powers at the District Level No. 92/1989
Law on the Recording and Handling of Personal Information No. 121/1989
Law on account of Iceland becoming a Party to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment and Punishment No. 15/1990.
Law on Residency No. 21/1990
Law on Attachment, Injunction and Other Matters No. 31/1990
Law on Bankruptcy and Other Matters No. 21/1991
Law on People's Names No. 37/1990
Law on Fishing Management No. 38/1990
Law amending Law No. 53/1988 on Doctors No. 50/1990
Law on Determination of Death No. 15/1991
Law on Criminal Procedure No. 19/1991
Law on Cooperatives No. 22/1991
Law on Equal Status and Equal Rights of Women and Men No. 28/1991
Law on Foreign Investment in Industry No. 34/1991
Law on People's Names No. 37/1991
Law on Basic Schools No. 49/1991
Law on Civil Procedure No. 91/1991
Law on Changes to Various Laws in the Wake of the Separation of Judicial and Executive Powers at the District Level No. 92/1991
Law on Children No. 20/1992
Law on the Protection of Children and Youth No. 58/1992
Law on Marriage No. 31/1993

Regulations

Regulations on the Regulation of Aliens No. 148/1965
Regulations on Guns and Ammunition No. 16/1978
Regulations on Clinical Research on Pharmaceutical Products No. 284/1986
Regulations on Icelandic Passports No. 169/1987
Regulations on the Review of Films by the National Film Review Board No. 614/1989
Regulations on Detentive Custody No. 179/1992